

MEDITATIONS ON THE ODD LIVES WE LIVE

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These fragments I have shored against my ruins.

—T.S. Eliot, *The Waste Land*¹

Julia Latham Kiefer: “She saw her face in the enamel doors. The fragile, white, enamel face, a perfectly made-up geisha, gray eyes, lavender lipstick.”²

Martha Levine: “She had come on a long, painful journey from her social worker days.”³

Alison Hirsch: “She was to become the firm’s Jewess. She knew it when they hired her.”⁴

Alicia Beauchamp: “Judge Beauchamp went back into her chambers and locked her door. She had been away for, what? Four days? Now she was back and nothing had changed. Black is the color of justice. Black will always be the color of justice. She opened her desk and removed the flowered scarf from the sandalwood box. She touched the silk scarf to her face and closed her eyes. The box would become the reliquary of her feelings for Rajiv, but life would not permit her that, and she knew that the texture of his presence was already disappearing and she was alone again.”⁵

Frederick Marcus: “Why was he flying a kite? He didn’t really know why he was doing it. The Tibetans flew kites out the windows of their lamaseries to try to communicate with the spirit of God. Why couldn’t a Chicago lawyer do the same thing?”⁶

¹ T.S. Eliot, “The Waste Line,” 73 (5) *The Dial* 473 (1922).

² “The Cornucopia of Julia K.,” in Lowell B. Komie, *THE LEGAL FICTION OF LOWELL B. KOMIE* 69-76, at 72 (Chicago: Swordfish/Chicago, 2005)[hereinafter all reference to Komie’s stories, which have appeared in various venues, are cited by the name of the story, as it appears in *The Legal Fiction of Lowell B. Komie*].

³ “Skipping Stones,” 61-68, 63.

⁴ “Mentoring,” 47-54, at 47.

⁵ “The Honorable Alicia Beauchamp,” 161-173, 173.

⁶ “The Kite Flyer,” 231-238, at 231.

Carter Greenwald: "Carter was good at drawing his wills and trusts. The language was precise, and he had honed them down to white bone, like finely rubbed scrimshaw."⁷

"When he looked from his desk across the room . . . he often imagined himself standing in the hills overlooking some exotic port city, looking down at the water and at the harbor. He knew, though, that he would never make it out of Chicago."⁸

Charles J. Riordan: "He did his own typing He didn't have a word processor, but he had an old IBM Electric and hunted and pecked on envelopes and a few letters. The word processing service on the fifth floor did his wills. That's what his practice had dwindled down to now, almost all small probate matters. He was good at drafting wills"⁹

William Fuerst: "Now he was forty-five and very tired. He just didn't give a damn. In fact, his head was leaking time and he was glad about it. He didn't tell any of his partners about the time leak. He always now had the feeling that there was a slight hissing of air from his ears. No one else could hear it, though. A hiss of all the useless acts he performed every day. His vitality, his intelligence, his youth, all being drained away from this secret rent in his head. He knew there was a tiny leak in his head and he'd have to repair it. How to fix it, though, he didn't know."¹⁰

Joel Greenfield: "You see . . . the fissures a man falls into, the dark-nesses, the hidden crevices."¹¹

Julia Latham Kiefer—Martha Levine—Alison Hirsch—Alicia Beauchamp—Frederick Marcus—Carter Greenwald—Charles J. Riordan—William Fuerst—Joel Greenfield—they are lawyers, fictional characters in the stories of Lowell B. Komie.

A Lawyer. We don't know the man's name or his age. We don't know where he lives; clues point to Chicago. What we know is the man was once a law student at the University of Michigan, and had transferred

⁷ "I Am Greenwald, My Father's Son," 77-87, at 79.

⁸ *Id.* at 77.

⁹ "Investiture," 141-150, at 145.

¹⁰ "The Balloon of William Fuerst," 55-60, at 56.

¹¹ "Podhoretz Revisited," 225-230, at 230

to Northwestern. He doesn't tell us much more about himself, as a student, or about his later life.¹² What little he does tell is titillating; it seems he ran into trouble while he was a law student. All we know, from the man telling the story, is that as a young man he began to flounder as a law student. He quit going to class and decided to write a novel.¹³ Whether the floundering lead to the idea of writing a novel, or the effort to write a novel lead to floundering, we don't know.

The student's novel doesn't, of course, get written. The lawyer, looking back on those troubled days, says, "I never finished the novel. I never got beyond three pages. It was about a young man in Ann Arbor who dropped out of the university. The young man is described sitting on the front porch of his rooming house, looking out on the world from behind a veil of hollyhocks. That's as far as I got, the veil of hollyhocks."¹⁴ What we've got here is a story being told from the-time-of-the-unwritten-novel; the story that was to be told by the floundering student in his novel must wait another day.

The story that unfolds is a fragment of a lawyer's memory,¹⁵ an admission that as a young law student he had been dealing with unnamed "demons." But the young man's demons were not of the soul devouring kind; they allow the young man to get on with his life, to gain "admittance to the law."¹⁶

And what kind of life results for the young law student who survives his demons and gains admission to the law? Or, to put it another way, what demons confront those who survive the demons? Komie saves—

¹² I draw here on Lowell Komie's story, "Spring," 13-21.

¹³ In an essay originally published in *Student Lawyer*, in 1984, Komie writes: "I could hardly remember being a law student at Michigan. I was, though, probably one of the least interested they ever had. I only went to class for six weeks and spent the rest of the year trying to write a novel. I only completed three pages. I was on the GI Bill and the government was paying for my education, so I thought I had a free ride. I didn't really want to be a lawyer. I wanted to be a famous novelist or war correspondent. The law school finally inquired as to why I wasn't coming to class. They sent me a postcard. . . . I spent all the rest of the year working on the three pages of the novel." Lowell B. Komie, *Intimate Pages: A Lawyer's Notebook*, 25 *Legal Stud. F.* 123, 128 (2001).

¹⁴ "Spring," 13-21, at 14.

¹⁵ Komie, in several of his stories, has his lawyer protagonist remembering some earlier time in his life. See e.g., "Podhoretz Revisited," 225-230; "I Am Greenwald, My Father's Son," 77-87; "Casimir Zymak," 105-112; "The Law Clerk's Parrot," 119-127; "Cohen, Zelinski & Halloran," 129-140.

¹⁶ This difficult passage into law reminds us of the Kafka parable, "Before the Law," in which a man from the country sought "admittance to the law" and failed, for reasons never quite clear to the reader, to walk through the door that would have taken him where he thought he wanted to go. "Before the Law," in Franz Kafka, *THE PENAL COLONY: STORIES AND SHORT PIECES* 148-150 (New York: Schocken Books, 1976) (Will Muir & Edwin Muir trans.)

and is always saving—his answer to that question for another story. All we see of the lawyer protagonist in Komie's story, "Spring," is a brief glimpse at memories of a distant time, remembered now with a sense of fondness and loss. The loss: a fellow student commits suicide, a student who was not a close friend, a fellow student with "demons" he did not survive. The young man who commits suicide isn't named; we know nothing about him or what might have prompted him to take his own life. The season, the semester, of this suicide is, however, still lodged in the lawyer's memory.¹⁷ *I too remember losses and feel kindly toward time as it distances me from them.*

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Susan Eliofson. We catch up with Susan Eliofson in Komie's story, "The Interview," in Baltimore.¹⁸ She's in Baltimore to talk to a law firm about summer employment. For a law student, summer employment is a preoccupation, a fevered dream. It is a time when law firms sample the wares, touch the fruit, see what the market has to offer. For students who've avoided the many distractions, survived law school *rites de passage*, and land atop the law school hierarchy, it's often a banquet's feast; for others, it's a time of slim pickings. Susan seems neither queen for a day nor destined to bottom feeding. Now, Susan is in Baltimore where she'll get the bad news that an Indianapolis firm she's already visited will not extend her an offer. Susan, coming and going, Indianapolis, now Baltimore, is a young woman on the move; we may not know where she's going, but she's clawing her way toward some vaguely imagined future. One suspects that Susan has the "usual" goals; it's not clear that she's taken much time to reflect on them.

What we've got here, basically, is a story about a law student, Susan Eliofson, her Baltimore interviews at Reavis & Ferris, and her efforts to step into her future as a lawyer. Reavis & Ferris is, of course, a fictional law firm; still, it's an introduction for Susan Eliofson to what she (and my students) call *the real world*. Reavis & Ferris is also a preface, a prelude, a portent. Yet, it all seems quite real, this story. Let's put it this way: Susan Eliofson, being no angel, cannot be spared the real world (that door to the law, as Kafka would tell us, was made just for Susan). Simply put, Susan Eliofson must get on with her life. But what life? Which life? *For a law student like Susan Eliofson, life is elsewhere. Law*

¹⁷ The memory of a fellow student who commits suicide also figures in Komie's, "The Balloon of William Fuerst," 55-60.

¹⁸ "The Interview," 1-11.

school is a stopping off place, an unavoidable detour, an interlude before real life can commence. So for Susan Eliofson, Reavis & Ferris, is a scene scripted for the play students call the real world. The interviews, an introduction to real world realities; serve also as a portent of the not-fully-formed, the glimpsed but unrevealed, the phantasies that must take solid shape in an outlying future. *Yes, yes, I know we're talking here about a work of fiction, a story. Odd, isn't it, how we use stories, the hope we invest in the fictions we live to make real?*

John Raymond, the first partner at Reavis & Ferris that Susan Eliofson talks with is civil, but the interview is aborted when Raymond takes a telephone call and begins discussing a deal he's working on. Susan gets to listen in on John Raymond's deal-talk—a telephone conversation every bit as interesting and mind-numbing as the cellphone conversations we hear these days at the local supermarket.¹⁹ The interview doesn't amount to much; John Raymond is preoccupied with his deal, and Susan gets hastily dispatched because Raymond is too busy to be bothered by a menial interview with a summer job hire.²⁰

Susan is shown into the office of a second lawyer, Peter Lindauer—“immaculately dressed in a gray flannel pin-striped suit”—shoes “perfectly shined,” hair “scissored in neatly cut layers”—who lets Susan know right away that he thinks inviting her for the interview was a mistake. He tells her that her grades are lower than other students who were invited for interviews. This insult, to which Lindauer seems oblivious, is compounded when he asks Susan about her LSAT score!

¹⁹ Komie comments on the use of cellphones by commuters, in “A Commuter’s Notes,” 255-263, and again, in Lowell B. Komie, *A Commuter’s Notes-III*, 31 *Legal Stud. F.* — (2007). Komie’s “commuter’s notes,” found in his stories and as stand-alone commentaries, occupy, like Komie’s fictional characters, a liminal space; they are not quite fiction, not quite autobiography. They are not quite autobiographical in that Komie gives his commuter a fictional name, Alfred Witkofsky. *Id.* at 255. They are not quite fictional in that Komie has made clear that he *is* a commuter and has been one for many years. The “commuter’s notes” are fragments, yet, they can be read like a story. Finally, it’s of interest that Komie included, in *The Legal Fiction of Lowell B. Komie*, a “fiction” he calls, “A Commuter’s Notes.” I will say more about commuters and commuting before I conclude the essay.

²⁰ Charles Reich, in his devastating critique of law firm life, notes that the kind of distractions we see in “The Interview” help rob the lawyer of the curious surprises that might be occasioned by something even so menial as a job interview. Reich notes that, “[t]he most obvious forms of interference were interruptions, phone calls, distractions. But these had to be expected in a lawyer’s life: a lawyer took whatever came along, without priority, form, turn, or order; he had to glory in his ability to play many parts instead of one.” Charles Reich, *THE SORCERER OF BOLINAS REEF* 27 (New York: Random House, 1976). Reich makes clear, however, that “the trouble” with being a lawyer extends “beyond interruptions and multiple tasks.” *Id.*

The interview with Lindauer turns out to be no more successful than the one with John Raymond.

The story, at this point, might simply be viewed as a reminder of the boorish behavior of lawyers when they interview for new associates.²¹ But the story takes on more complexity as the reader begins to puzzle about Susan Eliofson's future. *Where is Susan Eliofson going?* On the evening before the Reavis & Ferris interviews, she meets Steven, a likeable SEC lawyer from New Orleans. They have champagne, get a bit drunk, and visit the Baltimore Aquarium. Steven tells Susan there's a lawyer fish—*Lawyer Americanus*—at the Aquarium; he wants her to see it. *And yes, there does appear to be a fish, the burbot, known to fisherman as lawyers; they are reputed to be ugly, slimy, bottom-feeders.* Steven and Susan not only visit the Baltimore Aquarium, but Susan, on a daring whim, tells Steven that for \$100 she'll dive into the tank and swim with the lawyer fish.

The next day at her interviews with Reavis & Ferris, Susan discovers a leech from her evening swim with the lawyer fish. She removes the leech, wraps it in Kleenex, and puts it in her pocket. Snubbed and insulted by her interviewers, Susan, at an opportune time, places the leech on Peter Lindauer's "immaculate gray pin-striped suit." The story ends, the leech with a new temporary home, and Susan Eliofson telling Lindauer, "thank you."

Susan Eliofson needs a job. She's getting interviews, but not, as yet, the summer job that will provide a bridge to her future. She's got a boyfriend, Peter, back in Madison (we assume she attends the University of Wisconsin). He may not be the man she needs. Peter seems no more fully connected to Susan than are the lawyers at Reavis & Ferris, not a good sign in a relationship. Thinking about Susan and her boyfriend, Peter, I'm reminded of Mark Strand's comment on Edward Hopper's painting, *Summer in the City* (1949). Strand says of the painting: "[A] woman sits pensively at the edge of a bed on which a naked man lies with his face buried in a pillow"—and we, we are "drawn to search for a clarifying narrative."²² Susan, and the reader—we'll let Peter, her Madison lover, speak for himself—might well be said to be in search of "a clarifying narrative." Susan, like the woman in Hopper's *Summer in the City*, has her own pensive placement at the edge of a new life.

²¹ For a telling account of the interview process, see Brenda Waugh, *A Theory of Employment Discrimination*, 40 J. Legal Educ. 113 (1990). I am especially fond of Waugh's exposé since the interviews described took place just down the hall from my office.

²² Mark Strand, HOPPER 53 (Hopewell, New Jersey: The Ecco Press, 1994).

Strand, observing the couple in *Summer in the City*, says, “the painting suggests that whatever the problem the couple is having, there will be no happy escape from it It is a scene whose troubling content we cannot know. We know only that it bears the burden of an accusing light and that the couple will be free of their mortal misery only when darkness falls.”²³ What darkness, we wonder, awaits Susan Eliofson?

The elusive Peter (Susan’s man friend back in Madison)—like the elusive men/lawyers at Reavis & Ferris—may not be the last man in Susan’s life. *There are stories to be told that this story cannot tell.*

At her Reavis & Ferris interviews, Susan says some rather ordinary things in response to the interviewers’ questions; she manages to give the kind of banal responses that insure that she doesn’t say anything to offend those who presumably hold her future in their hands. But her responses turn out to be a kind of verbal pabulum; taking the safe route that may well insure that she doesn’t get the job. What we—the readers—see that the interviewers don’t, is that Susan, in her plunge into the Baltimore Aquarium, her swim with the lawyer fish, and her open way with Steven, the SEC lawyer, is not nearly so banal as her law firm interview remarks would make her out to be. What we do not know is whether Susan’s impulsive dive into the Baltimore Aquarium was an aberrant moment or a sign of life stifled in her mind-numbing rush to secure a summer position. One of my students, reading the story, says, “Maybe it didn’t happen, this meeting with Steven, and the swim with the lawyer fish. Maybe she’s dreaming it. It seems so fairy-tale-ish.” *Once upon a time, a young woman, on her way to being a lawyer, still young at heart, an ash girl Cinderella in waiting . . .* But wait, there’s something I haven’t told you. Steven, her companion for the trip to the Baltimore Aquarium, tells Susan she “doesn’t belong in the corporate army.” But she’s clearly rushing in that direction. Will she push on, in the name of necessity, past the signs that would trouble a cautious soul?²⁴ Susan may have seen enough of the lawyers at Reavis & Ferris to change direction. Or she may conclude that what she has experienced at Reavis & Ferris are isolated incivilities of lawyers, their own successes (and forgotten failures) as law students now years behind them, the behavior of men who now irrationally obsess about grades and LSAT scores, the kind of men unable to step back from the vampire-ish

²³ *Id.* at 53-54.

²⁴ We know from Melville’s “Bartleby, the Scrivener,” that even the most cautious lawyer can be stirred, his soul awakened. “Bartleby, The Scrivener,” in Jay Wishingrad (ed.), *LEGAL FICTIONS: SHORT STORIES ABOUT LAWYERS AND THE LAW* 224-258 (Woodstock, New York: The Overlook Press, 1992). The Wishingrad collection of legal fiction includes Komie’s “The Balloon of William Fuerst,” 55-60. See Wishingrad, at 40-45.

work that consumes them,²⁵ work that makes it impossible for them to respond to the real human being, Susan Eliofson, who sits before them.

Who are these men, these lawyers at Reavis & Ferris? (Stereotypes or prototypes?) How have their lives—their lives at the office—their law lives—brought them to a state where they treat an interviewee so boorishly? Who are these men? What dreams and fears do they carry with them on their daily commute?

Mr. Bridge. Who are these men—Peter Lindauer and John Raymond? The law has, it seems, produced a bountiful lot of them, and variations of same. We find them often in legal fiction. Consider the following passages from Evan S. Connell, Jr.'s novel, *Mr. Bridge*:

Often he thought: My life did not begin until I knew her [Mr. Bridge is talking here about his wife].

She would like to hear this, he was sure, but he did not know how to tell her. In the extremity of passion he cried out in a frantic voice: "I love you!" yet even these words were unsatisfactory. He wished for something else to say. He needed to let her know how deeply he felt her presence while they were lying together during the night, as well as each morning when they awoke and in the evening when he came home. However, he could think of nothing appropriate.

So the years passed, they had three children and accustomed themselves to a life together, and eventually Mr. Bridge decided that his wife should expect nothing more of him. After all, he was an attorney rather than a poet; he could never pretend to be what he was not.

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He seldom spoke to his wife about what went on at the office or in court. Before they were married and for a while afterward she had inquired, doing her best to appear interested, trying to comprehend the

²⁵ In Komie's "The Law Clerk's Lament," the law clerk, on his evening commute home, must make a run for his train. The clerk recognizes a lawyer he knows from the suburbs who had been editor of the *Chicago Law Review*.

He was carrying a briefcase inscribed with the initials of his firm in gold letters. We ran for the train together and he staggered as we hit the stairs. The train was moving as we jumped. I thought for a minute he was going to fall back out of the door under the wheels, and I stuck my hand out and grabbed him as the doors hissed shut. He didn't say a word to me. I could see by his eyes that he was really out of it. He just stood gasping for breath on the platform between cars. I wonder if I'll become like this guy in a few years, dazed and burnt out from overwork. I think if I hadn't grabbed him he would have been decapitated.

"The Law Clerk's Lament," in Lowell B. Komie, *THE JUDGE'S CHAMBERS* 66-74, at 67-68 (Chicago: American Bar Association, 1983).

life he lived from her; but he had answered briefly because he knew she did not really care, so that as time went by she asked less and less, and now it had been reduced to a ritual like a fragment excerpted from a play. She would greet him at the door, glance at the briefcase, and put on an expression of dismay or resignation, saying, "Now truthfully, Walter, couldn't whatever it is wait till tomorrow?" By this she demonstrated her concern for his health and reminded him that he did not need to work such long hours for the family's benefit. They had plenty of food, a nice house, and money enough to pay the bills. Then he would reply that he was only planning to work a little while after dinner or that he was going to finish a few things which should have been taken care of a week ago, or he might remark that it was Julia's fault. [Julia is his secretary.] Julia was to blame for saddling him like a burro with more than he could carry during the day. Then she answered that she was going to call Julia in the morning and tell her to cut down on the amount of work.

This familiar and lifeless scene was not as unnatural as it appeared; after all, he himself did not care what happened at the house during the day. There was no more reason for her to be curious about his work than for him to be concerned with groceries, laundry, getting the children to school, and whatever else she did. Yet it would seem rude, almost brutal, to drop the pretense and admit that neither particularly cared what the other was doing. A display of interest, however shallow, made life easier.²⁶

And as for Susan Eliofson, a young woman who has dared a plunge into the Baltimore Aquarium to swim with the lawyer fish, how will she ever make a life with men like Mr. Bridge, Peter Lindauer, and John Raymond?

Susan Eliofson must surely see that Lindauer and Raymond, the men at Reavis & Ferris who interview her for a summer job, are callous, and oblivious to their callousness. *Is this callousness associated with their work, with the work that Susan Eliofson has set out to do?* We, the reader, see what Susan may or may not come to see; we want to believe that she does not "belong in the corporate army,"²⁷ and to join that Army will have her someday face demons we (and she) can now only vaguely imagine. But having readied herself for a plunge into the world of men like John Raymond, Peter Lindauer, and Mr. Bridge, and the law firm world of Reavis & Ferris, can she now turn back?

²⁶ Evan McConnell, Mr. BRIDGE 1, 8-9 (Washington, D.C.: Shoemaker & Hoard, 2005)(1969). For a Komie story that evokes the mood of *Mr. Bridge*, see "The Butterfly," 215-224.

²⁷ "The Interview," at 4.

Cecelia Maria Sandavol. The “corporate army”—the law firm world, and the perversity of its inhabitants—is also the theme of Komie’s “The Ice Horse.”²⁸ Cecelia Sandavol, even before she gains “admittance to the law” (she is a law student clerk with a Chicago law firm), must confront men in a law firm every bit as oblivious to her as the lawyers in Reavis & Ferris are to Susan Eliofson, and a lawyer who is not, Edward Parkhurst, who has illicit designs on her. “The Ice Horse,” a wonderful story, at once darkly brooding and hopeful, leaves us wondering, as we were with Susan Eliofson, where Cecelia will go, what work she will do, what life she will shape out of her encounters with men she cannot understand. With Cecelia Sandavel, and Susan Eliofson, we wonder about their future; we want, as readers, to see what their future might hold, where they might end up in life.²⁹

We are drawn to Cecelia’s distant beauty—her “dark features and long shining black hair”—this young woman with the “face of an Aztec princess.”³⁰ How she happens to be in Chicago—so far from home?—we don’t know. There are hints that she is from the Southwest. She fantasizes that she might leave Chicago and practice law in a small town in New Mexico, and if she does, she will return to a world associated with her grandfather and her grandparents rancho in the Sangre de Christo mountains—a place “absolutely silent,” a place “as mute as the ancient mountain stones of the mountains, waiting for the white deer to come to pool at night to drink in the moonlight.”³¹

If there is a deep pocket of rebellion, and a remote patch of wildness in Susan Eliofson, the young woman seeking summer employment at Reavis & Ferris (in “The Interview”), Cecelia shares that untamed wildness. (It seems to be associated with a place, a family, a people, that she continues to carry with her.³²) Yet, Cecelia, like Susan Eliofson, is

²⁸ “The Ice Horse,” at 23-35.

²⁹ Komie does not, generally, in his stories, provide the reader with much in the way of answers to our “where does she come from?” and “where is she going?” questions. (There is a somewhat expanded biography of Martha Levine in Komie’s “Skipping Stones,” at 61-68.) It is, I think, a formation by the reader of a strong desire to know about a character beyond the story that signals Komie’s magic.

³⁰ “The Ice Horse,” 23-35, at 23.

³¹ *Id.* at 27.

³² I taught lawyer ethics for many years and found that students tend to take up with the study of law as if they had stepped away from their stories, their families, and the places where they were raised. For an unforgettable rendition of the “things we carry” with us when we leave home and enter new worlds, see Tim O’Brien, *THE THINGS THEY CARRIED* (Boston: Houghton Mifflin/Seymour Lawrence, 1990). The first chapter of

far from home, farther from home in many ways than is Susan.³³ But Cecelia knows, and speaks of something that sounds like home, in a way that Susan Eliofson does not.

The lawyers who introduce Cecelia to the real world of law are, like John Raymond and Peter Lindauer at Reavis & Ferris, occupied by their work and their lives, so occupied that Cecelia can be no more than a distant observer of their existence, as they are of hers. Most of the lawyers at the law firm where she works as a night law clerk simply ignore her. Edward Parkhurst, the firm's chief antitrust litigator, and the man directly responsible for Cecelia's work, signals in obvious ways that she is of little consequence to him or the firm. He gives her menial work and expects her to be something of a personal servant.

Cecelia, more an "outsider" than Susan Eliofson, seems far less destined for the "corporate army" than Susan. She "watched them [the lawyers] with a mixture of awe and hatred that she'd reserved for them [white men] all her life."³⁴ Susan Eliofson may mischievously place a leech on the collar of the impeccably clad Peter Lindauer, what we don't know is whether it's a symbolic act that signals her ability to stay clear of the "corporate army." For Cecelia, the symbolic lies in imagining how she will kill Edward Parkhurst, the demeaning, patronizing, negligent, sexually abusive lawyer, who serves as her supervisor and, at the end of the story, a moment of Dionysian glory when Cecelia mounts a sculptured ice horse at the law firm celebration dinner.

We want—*pray*—that Susan Eliofson's plunge into the Baltimore Aquarium may be linked to some deep reservoir of passion, and some still accessible "shadow,"³⁵ that she can continue to access as she takes

O'Brien's book carries the title of the book and should, in my view, be required reading in American law schools. For an ever so modest effort to make use of O'Brien's theme, see James R. Elkins, *The Things They Carry Into Legal Writing (and Legal Education)*, 22 *Legal Stud. F.* 749 (1998).

³³ We don't know what Susan Eliofson carries with her, although we fear that whatever it is may not be sufficient to keep her from harm. We don't know what Susan may carry with her—demons or angels—because we don't know where Susan comes from, and having come from nowhere, we fear where she might be going. Susan's at that proverbial fork in the road. She may well follow the path she's set out upon, a path taken out of some felt sense of necessity, or bafflement. Susan may follow, so long as she can tolerate it, a path that she will only later learn to be the wrong one.

With Susan, the only home we can associate her with is Madison, Wisconsin, where she goes to law school; Madison, where she must deal with a bundle of ambivalence (hers, her boyfriend's, her march toward self-recruitment into the "corporate army").

³⁴ "The Ice Horse," 23-35, at 23.

³⁵ I adopt the term "shadow" from C.G. Jung who used it in conjunction with "persona." Briefly, oversimplifying, Jung used "persona" to mean the face or facade that we hold out to the world, that version of the self, the image or picture of the self, we want the world

up her life as a lawyer. But if it is integration—of *persona* and *shadow*—that we see as an elusive possibility for Susan Eliofson, we leave Komie’s “The Ice Horse” with a real sense of hope for Cecelia Sandoval. After she dismounts the “ice horse” at the party of drunken lawyers, she says nothing, “found her coat and left them forever.”³⁶

Cecelia has, or so we want to think, made the choice that will keep her out of the “corporate army.” But in making this choice, we’re still left with that haunting, blank screen of her future—where does Cecelia go, what does she do? Is there, in this world of lawyers to which she’s been exposed, a sufficient evil—in the form of men like Edward Parkhurst—to suggest that there is no place in the world of law for Cecelia Sandoval? Can Cecelia Sandoval find a place for herself in the world of law?

The problem for Cecelia, deep and profound, is not beyond articulation. Cecelia, after an evening at the firm, thinks: “I don’t understand them. I will never understand them. But I must become one of them. My people have no lawyers. We are alone. I must become one of them.”³⁷ But becoming one of them, learning the ways of these men, also means having Edward Parkhurst touch her, kiss her. (“He is touching me, and I am permitting it.”³⁸) The real world, an incomprehensible, corrupt, arrogant, and patriarchal world, is a world of which Cecelia Sandoval is a better observer than most; she is a reluctant participant, a witness to the corruption that parades itself as the ordinary affairs of men and their profused love of the law.

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Julia Latham Kiefer. Julia Latham Kiefer is thirty-two years old, a trial lawyer involved in a securities litigation case.³⁹ We know something’s astray early on in the story. Julia says she feels like she’s “fallen into some kind of time trough.” One week she’s “ten minutes late for everything,” but the problem escalates, and she feels like she’s con-

to see. The “shadow” is that part of the self that we do not allow others to see, hidden behind closed doors. We certainly don’t want others (in most day-to-day situations, and, certainly not in our professional lives) to see our faults and failings, doubts and confusions; most of us don’t allow the world access to our fantasies and imaginings (or even to the fact that we have them). So, there is much that we hide. And, in an extension of Jung’s psychology, we might expect a social, cultural institution like law to harbor a pronounced “shadow.” See generally, Benjamin Sells, *THE SOUL OF THE LAW* (Rockport, Massachusetts: Element, 1996).

³⁶ “The Ice Horse,” 23-35, at 35.

³⁷ *Id.* at 29.

³⁸ *Id.*

³⁹ “The Cornucopia of Julia K.,” at 69-76.

stantly twenty minutes late—it's "an irretrievable twenty minutes."⁴⁰ But what of it? We're all time stressed, time deprived, time obsessed—this is a condition of modernity; there's no deep-lying neurosis to be seen in the fact that Julia Kiefer is running late.⁴¹ *Most of us are running late even though we're not going anywhere.*

Julia Kiefer's problem, her problem with time—we might call it a symptom—is easy enough to ignore, nuisance that it is. In Kiefer's case, the symptom turns out to be more than a nuisance. When Kiefer attends a conference with other lawyers in preparation for one of her cases, she begins to have a bad time of it; she admits to herself that she wants to be elsewhere. "She wanted to stop booking time. Empty time, time filled with absolutely nothing, time like the gray time inside a cocoon, a lacuna of time."⁴² Julia Kiefer was, we are told, "very, very tired."⁴³

It's in dealing with time, and the Faustian bargain we make with ourselves, that we lawyers get ourselves into trouble. It's the time problem that wears us down and wears us out. In Komie's "The Balloon of William Fuerst," we find a man so tired that it has become a defining feature of his character.

⁴⁰ *Id.* at 69.

⁴¹ Or maybe there is. The question, put most simply, is: "[W]hat do we do with time and what does time do to us." Mark Strand, *supra* note 22, at 25. Maybe we do need to see Julia Kiefer's loss of an irretrievable twenty minutes as a symptom of a larger problem. Julia Kiefer's time problem reminds me of Rosie Sayers, the wise-beyond-her-years 14 year old in Pete Dexter's *Paris Trout*, who sees soldier boys in uniform at the Georgia Officer Academy, and muses to herself that "she would rather not know anything about time than to have it crawling all over her." Dexter tells us, "Rosie Sayers could not tell time, and her sense of it was that it belonged to some people and not to others. All the white people had it, and all the colored people who owned cars." Pete Dexter, *PARIS TROUT* 7 (New York: Penguin Books, 1989)(1988). Lowell Komie's lawyers also have time crawling all over them. The lawyer in "Burak" notes: "People are very angry on the way to work. Mouths set, unsmiling, the workers are much younger than I, in their twenties and thirties. They're all caught up in our obsession with time, work, and order. There are clocks everywhere in the [train] station blinking out the time, 8:37, 8:42, 8:39, they all give different times." "Burak," 157-160, at 159. Julia Kiefer tells us that she wants, "to stop booking time. Empty time, time filled with absolutely nothing, time like a gray time inside a cocoon, a lacuna of time." "The Cornucopia of Julia K.," 69-76, at 73.

I have long admired Robert Grudin's *The Grace of Great Things: Creativity and Innovation* (New York: Ticknor & Fields, 1990). Writing about creativity, Grudin includes chapters on inspiration, discovery, analysis, imagination, the sense of beauty, integrity, pain, courage, self-knowledge, and freedom. I wished, as well, for a chapter on the problem of time. When I finally got around to checking my bookshelves, I found that Robert Grudin had fulfilled that wish. See Robert Grudin, *TIME AND THE ART OF LIVING* (Cambridge, Massachusetts: Harper & Row, 1982).

⁴² "The Cornucopia of Julia K.," 69-76, at 73.

⁴³ *Id.* at 72.

William Fuerst was very tired. He'd been a lawyer for twenty years and he was very tired. He'd been dragging himself to the office. He could barely make his morning court call. The telephone had become his enemy. The minute he walked into the office the receptionist would hit him with a sheaf of calls. Little urgent notes on red and white message paper. Monday mornings were the worst. All the crazies were waiting for him.⁴⁴

Later, we see that Fuerst's problem with time is driving him crazy. "[T]here was the matter of the slow leak in his head."⁴⁵

⁴⁴ "The Balloon of William Fuerst," 55-60, at 55.

⁴⁵ *Id.* at 58. For Julia Kiefer, the time problem is a symptom, for William Fuerst it's a fully formed pathology. In still another story, "Solo," Komie has a young lawyer named Mark take a stance against law firm billing practices.

He had refused to accede to the firm policy of 2,000 annual billable hours. It was an absolute. He knew about it but had defied it. He'd turned in only 1,750 hours again, but it wasn't enough this year, and he had refused to pad his time. His senior associate had told him just to go back to his office, review his time sheets, and come back with the missing 250 hours. He refused to do it. So they let him go, graciously, but nevertheless absolutely, with two months severance (\$12,000), one month for each year, and the proffered services of an outplacement service, which he had also refused. Instead he took the \$12,000, told them he was going solo, and leased an office.

Mark is summarily banished from the corporate army for failure to play by corporate time rules. See Komie, "Solo," 37-46, at 37.

In a 2001 interview, Komie observed that it was his freedom—"to pretty much come and go as I please"—that he'd achieved over many years of practice and surviving more than one partnership, where he "was a slave to the 'time sheet' and to the senior partners in these associations." *Lowell B. Komie: An Interview*, 25 *Legal Stud. F.* 223, 225 (2001) (with James R. Elkins)[hereinafter, *Lowell Komie Interview*].

Komie leaves us forewarned that freedom, for the lawyer, doesn't come easy. The narrator in Komie's "Burak," a story Komie once told me to read if I wanted to know how his own life got translated into fiction, is talking to a woman lawyer friend after a bankruptcy hearing, and she tells him, "the most important thing about a lawyer's life should be 'freedom,' "as she stares moodily out the window at the bundled figures trudging by in the slush." "Burak," 157-160, at 158. To be free, Komie became a solo practitioner, but he makes clear in "Burak" and elsewhere, that he's talking about being "relatively free": "[Y]ou're never really free from the pressures of money or the demands of clients; the freedom really is a relative concept. If you're worried about paying your office rent, you're hardly in the mood to debate the relativity of freedom. Also, if you have become tyrannized by irrational clients, you're not on your way to becoming a philosopher king." *Id.*

The perils of the solo practitioner, and the pressures generated by problems with money, are featured in various Komie stories: "Solo," at 37-46; "The Balloon of William Fuerst," at 55-60; "Investiture," at 141-150 (where the lawyer, Charles Riordan, is working on an estate that might allow him to retire; he calculates that without the fee from the estate case he's got something like \$25.00 in savings, whereas some lawyers have

Now he was forty-five and very tired. He just didn't give a damn. In fact, his head was leaking time and he was glad about it. He didn't tell any of his partners about the time leak. He always now had the feeling that there was a slight hissing of air from his ears. No one else could hear it, though. A hiss of all the useless acts he performed every day. His vitality, his intelligence, his youth, all being drained away from this secret rent in his head. He knew there was a tiny leak in his head and he'd have to repair it. How to fix it, though, he didn't know.⁴⁶

Fuerst's pathology—his time problem—can be traced back to his invention of “the office decimal system,” an office billing system he had devised for his law firm. Lawyers think they can monetize their time problems; for the money-focused lawyer, it's all a matter of billable hours.

We may have taken a detour in talking about lawyers and their time troubles, but it's a detour, an affection for the backroads we travel as lawyers that Komie's legal fiction encourages. It's in the backroads of her story, that we find Julia Kiefer on her way to her office, peeved by the odor of cologne and tobacco—men's odors—that linger in the elevator, odors left by men who rush past her, “heading for court with their briefcases.” These men, like Julia, have time crawling all over them. We know that Julia too is a briefcase woman, so this business of finding those most like her offensive is a clear sign of an underlying trouble. A sign of neurosis? A sign of something the psychologists might

“millions stashed away”). Even law firm lawyers have money troubles. Martha Levine, in “Skipping Stones,” has “tied herself up financially. She had a beautiful condo overlooking Lincoln Park in a slim, glass-paned Mies van der Rohe building and a white BMW convertible, a closet full of designer suits and shoes, and monthly credit card payments that wiped out her salary.” “Skipping Stones,” 61-68, at 63. The law clerk in “The Law Clerk's Lament” notes that, “[t]he men in the office spend an interminable amount of time arguing about money. They're always locking themselves in the conference room. They walk in there grim faced, each of them instructing the receptionist to ‘hold my calls’” “The Law Clerk's Lament,” in Lowell B. Komie, *THE JUDGE'S CHAMBERS* 66-74, at 68 (Chicago: American Bar Association, 1983). See also, “A Commuter's Notes,” 255-263, at 259-261.

To make the money necessary to keep a law office going, you have to be, according to Komie, “very tough and very shrewd and entirely money-oriented. Unfortunately, those qualities, toughness and shrewdness, quickly overcome and submerge the philosophical notions of being a lawyer. . . . You become just another businessman.” Lowell B. Komie, *Intimate Pages: A Lawyer's Notebook*, 25 *Legal Stud. F.* 123, 129-130 (2001). “The fee is the truth. In a lawyer's life, the fee is always the truth, no matter what songs are sung.” “The Law Clerk's Parrot,” 119-127, at 127.

⁴⁶ “The Balloon of William Fuerst,” 55-60, at 56.

call “splitting,” or “disassociation”?⁴⁷ And then we learn, even as Julia’s day begins, that “she already felt the pressure beginning to build behind her eyes.”⁴⁸

We suspect that Julia, who is psychologically distancing herself from her colleagues, is beginning to see the downside to her life in the corporate army. Consider, for example, the imagery that Julia describes when she enters her law office: “The walk down the corridors of her law firm always reminded her of peering into the compartments of a doll’s house, little people in the rooms, little stick furniture, people caught in frozen moments, blinking, looking up at her as she passed.”⁴⁹ There’s a still more ominous note. Julia says of the word-processing equipment used by the secretaries:

The occupant of the carrel was a woman, usually bent over a scanning screen. Julia had sent a memorandum to the office committee suggesting that the scanning screens emitted radiation and that the stenographers be issued radiation badges. She knew that the machines were cancerous, that the green glowing chains of perfectly formed calligraphy were as lethal as chains of carcinoma cells. It was all excess verbiage anyway, pages and pages of abstruse verbiage, and it was metastasizing and spilling out of the screens. Even the machines wouldn’t store it anymore. It would eventually kill the women in the carrels.⁵⁰

⁴⁷ The primary purpose of ego defense mechanisms is to minimize anxiety, shore up and protect the ego, and keep repressed whatever threatens the psychic energy invested in the stability of our on-going defenses. Dissociation, as an ego defense mechanism, involves the splitting-off of the threatening thoughts and phantasies from the working part of one’s consciousness; in a word, it involves massive compartmentalization.

Dissociation is one way the psyche deals with the *unreal* in the life we are trying to live. Alicia Beauchamp, a Federal District judge, in “The Honorable Alicia Beauchamp,” 161-173, attending a conference reports that: “[S]he felt she was two people: one, the judge, still moving to the rhythms of the office, and the other some detached, faceless woman curiously watching the judge, a woman dressed in a long, white, Victorian dress holding a white umbrella, standing in sunlight, but always faceless.” *Id.* at 171.

I’ve been puzzling, for some years now, over what I call the “two worlds” problem. It’s a problem with philosophical and psychological dimensions; it’s a problem that can be studied in a novel like McConnell’s *Mr. Bridge*, Tolstoy’s “The Death of Ivan Ilych,” and in Lowell Komie’s haunting stories. We find, quite often, that there is a tension—a sometimes forceful, debilitating tension—sometimes a force of great creative tension—between the lives we live at home and the work we do at the office. Fiction, we learn, as well as psychology, can help us see how this tension and the compartmentalization that accompanies it works and how it breaks down, how it can seem so efficient and so easily become so neurotic.

⁴⁸ “The Cornucopia of Julia K.,” 69-76, at 69.

⁴⁹ *Id.*

⁵⁰ *Id.* at 69-70.

In imagining what is happening to these women sitting at their machines, dealing with the language and documents produced by lawyers, Julia is one step away, perhaps a step she will try to postpone, from seeing that something—*something*—is metastasizing in her own life, something is beginning to spill from the world where she practices law (and the *persona* she has constructed as a lawyer), into deeper recesses of her psyche. Julia Kiefer has climbed into the box with law, and the life she has made for herself in that box has made her ill.⁵¹

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Alicia Beauchamp was appointed as a Federal district court judge in Milwaukee when she was thirty-six. Komie tells us, "She preferred dark shades of lipstick and she seemed, when you approached her bench, strangely beautiful to be enrobed in black. Black, though, was the color of justice, she soon learned, and now, after almost two years on the federal bench, her eyes, which had sparkled so easily into laughter, were no longer so easily animated."⁵² And lest we think Alicia Beauchamp has managed a clever escape by becoming a Federal judge, she would have it otherwise, making no attempt to delude herself: "She *was* a hand-maiden. She waited on corporations and their lawyers at their pleasure."⁵³ Alicia Beauchamp's work has left her exhausted and she

⁵¹ A persistent motif in Komie's stories is an on-going skepticism about life in large corporate law firms—the "corporate army." We see, in Komie's characters, that a life lived as part of the "corporate army" is no shelter from suffering and loss. There may be no news of the universe here, still it's news that need not be relegated to owners of short-wave radios. We don't need to rely upon John Grisham's legal thrillers—I'm thinking here of *The Firm*—to observe that life in a major law firm can be troubling, at times, downright pathological. There's no new news about the corporate nature of legal practice in the Komie stories; everything Komie writes about law firms and the corporate army can be readily confirmed by a substantial body of books and law review articles that deal with life in modern law firms.

⁵² "The Honorable Alicia Beauchamp," 161-173, at 161.

⁵³ *Id.* at 163. Carter Greenwald, in Komie's "I Am Greenwald, My Father's Son," also reflects on a promise of law, a life in law, that he did not live:

He closed his eyes and tried to remember himself as a law student. The class picture, he stands at the end of the first row, 1954, in the courtyard of Yale Law School, his Harris tweed jacket unbuttoned, trousers just a touch short, not breaking on his shoe tops but nevertheless knife-creased khakis. Where had he gone wrong? He should never have returned to Chicago. He could have stayed in New Haven, or perhaps gone out West to try jury cases. In twenty years he had never tried a jury case. He'd become a businessman, not a lawyer. A corporate hand maiden.

"I Am Greenwald, My Father's Son," at 77-87, at 86.

needs a vacation. Handmaiden, Alicia Beauchamp may be, but we see the smoldering remains of something alive in her—something of the sort we saw in Susan Eliofson, something that the law has not managed to fully subdue—her love of art.

She was at the art museum early and went in to see some of the collection. She loved the three paintings of flowers by Emil Nolde, a German painter—this was a lovely place to wait for someone. She could see the lake framed in the huge glass window and sailboats heading out past the breakwater.

Then suddenly she saw him [Rajiv Nair, a professor visiting the Art Museum, who shares her love of art]. He was standing in the corner of the gallery watching her. "You like Nolde, I see," he said to her.

"Yes, Nolde is marvelous. His flowers are almost translucent with light."

"Have you seen the Chagalls?" He reached out and touched her arm and led her to two Chagalls on the far wall. The large painting was of a man on a horse. The man wore a cape of flowers the horse a bridle of flowers. The woman in the background held two babies. The smaller painting was of a bouquet of poppies.

"More flowers." He led her into another gallery where he showed her a large painting of a French peasant and a young girl, perhaps a grandfather and granddaughter, walking in the woods. The old man carried a large bundle of sticks on his back. The little girl had an

Julia Kiefer, the lawyer in Komie's "The Cornucopia of Julia K.," who is having not just a bad day at work, but an existential crisis, returns to her office, in no mood to deal with law colleagues or much of anything else, only to find that she has an interview scheduled with a young woman her firm is considering as a new hire. When the interviewee (Ms. Bascomb) tells Kiefer she wants to be a lawyer so she can "help people," Kiefer tells her, in a moment of stark honesty: "This is a bad place to help people, Ms. Bascomb. We don't help people here. . . . We help hamburger corporations and toilet paper manufacturers, but we don't help people." "The Cornucopia of Julia K." 69-76, at 75. Komie makes the point most directly in "The Law Clerk's Lament," where the clerk upon leaving the law firm reports:

I was glad to be leaving. I've realized the men here have lost their connection with the concept of serving people. They're entirely caught up in moneymaking. They aren't really lawyers. They're servants to businesses and wealthy families. I don't want that to happen to me. I don't want to wind up in an office in some city tower, trapped in a glass coffin like the relics of an ancient saint. I don't want to become a money man. I didn't go to law school to become a businessman. The lawyers in this office are like mollusks who've been awash at the edge of the sea too long. They've become encrusted with their own stagnation and they've lost momentum and direction.

"The Law Clerk's Lament," in Lowell B. Komie, *THE JUDGE'S CHAMBERS* 66-74, at 74 (Chicago: American Bar Association, 1983). The law clerk's fears and his confrontation with the forces that bring them about is a persistent theme in Komie's stories.

angelic face and fine blonde hair and walked just ahead of him picking wild flowers.

"Pere Jacques," he said, squinting at the painting. "Jules Bastien-Lepage, 1881. I think it's the most beautiful painting in the collection. The old woodcutter's face has the dignity of old age; his granddaughter looks like a young princess, standing in a field of flowers. She's such a beautiful child."

Neither of them spoke and as they stood together before the painting, she could feel a rush of longing, the scent and feel of desire for this man . . . his mouth, his eyes, the sound of his voice.⁵⁴

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When Alicia Beauchamp muses about being a handmaiden to corporations and their lawyers, I was reminded of Margaret Atwood's *The Handmaid's Tale*, and her stories collected in *Wilderness Tips*.⁵⁵ Lois, in Atwood's, "Death by Landscape,"⁵⁶ has, with the death of her husband, moved into "an apartment big enough for her pictures"; the paintings appear somewhat crowded on the apartment walls, but Lois finds that they give her apartment "a European look." Lois muses, "You know," the paintings, aren't "supposed to be furniture."⁵⁷

Lois makes a point of noting that she had chosen all the paintings herself. "Rob [her deceased husband] had no interest in art, although he could see the necessity of having something on the walls." Lois had bought the paintings, sketches, and drawings that hang on the crowded walls of her apartment because

[s]he wanted something that was in them, although she could not have said at the time what it was. It was not peace: she does not find them peaceful in the least. Looking at them fills her with a wordless unease.

⁵⁴ An excerpt from Lowell Komie's "The Honorable Alicia Beauchamp," 161-173, at 167-168. Chagall makes an appearance in several Komie stories, e.g., "Skipping Stones," 61-68, at 67, and in "A Commuter's Notes," 255-263, at 263.

⁵⁵ Margaret Atwood, *WILDERNESS TIPS* (New York: Doubleday, 1991). I've long used, "Weight," a story in *Wilderness Tips*, in my lawyers and literature course. *Id.* at 163-178.

⁵⁶ "Death by Landscape," in *id.*, at 97-118.

⁵⁷ Charles Riordan, in Komie's story, "Investiture," "lived surrounded by his books on Irish history and literature in a modest, one-bedroom apartment on Grace Street, on the North Side of Chicago." "Investiture," at 141-150, at 142. We don't know whether Riordan's Irish history and literature books are "furniture" or not. It's clear in Komie's stories that the paintings he places in a lawyer's office are not "furniture."

Despite the fact that there are no people in them or even animals, it's as if there is something, or someone, looking back out.⁵⁸

In his scene-painted stories, Komie sometimes evokes a “wordless unease” in his readers as his characters look back at us from the printed page. They read us, as we read them.⁵⁹ Komie's stories leave us with the sense of characters in a painting; paintings we call stories.

Imagine a painting, a scene with isolated people, a scene in which there is captured a sense of great stillness; the details of the scene are an etched mood captured in gray dappled light. We tire quickly of the scene, but are unable to walk away from it; then, suddenly overtaken by a feeling of exhaustion—an old remembered feeling of tiredness—we are caught up in a moment of real confusion. To escape the mood we walk more quickly now, painting to painting, scene to scene, story to story. Even the effort to move hints of weariness, and we are left, for inexplicable reasons, with an impulse to flee. *We do not flee*. The characters in

⁵⁸ Atwood, “Death by Landscape,” *supra* note 56, at 100. In Komie's stories, we often find references to art works which hang in the offices of his fictional lawyers, and his lawyers often attend art museums. It would, I think, be fair to say that Komie's lawyers want something found in art that they seem forever about to lose. Anna Held Audette, a painter, speaks about the sense of loss that she works with in her painting.

My paintings comment on the melancholy beauty found in relics of our industrial past. Both the literal and evocative meanings of these subjects strike a responsive chord in me and provide variations on a theme that has been central to my paintings for a long time. The relics remind us that, in our rapidly changing world, the triumphs of technology are just a moment away from obsolescence. Yet these remains of collapsed power have a strength, grace and sadness that is both eloquent and impenetrable. Transfigured by time and light, which render the ordinary extraordinary, they form a visual requiem for the industrial age.

Anna Held Audette, statement accompanying her paintings, *The Alsop Review: The Gallery* <<http://www.alsopreview.com/gallery.htm>>

⁵⁹ “One of [Clement] Greenberg's most important arguments asserted that the painting occupies the same space as the viewer. It occupies your world. “The Color-Field painters, so-named because of their focus using broad expanses of color, often stained directly into the canvas created an almost hypnotic effect. The environment of the painting bleeds into the environment of the viewer.” Gretchen Collins, “Abstract Espresso Philbrook's Greenberg exhibit is good, strong brew,” <<http://www.urbantulsa.com>>

Contrast the Clement Greenberg statement on the relationship of the viewer to a painting, and the more conventional view suggested (without adoption) by James Elkins: “Paintings seem to be exempt from the world, as if their frames were parentheses letting the text of the world flow on around them, or little fences keeping the picture from straying into the world.” James Elkins, *THE OBJECT STARES BACK* 35 (New York: Simon & Schuster, 1996). Elkins notes that “pictures are not just decoration. They are peculiar objects that pull us, tugging us a little out of the world.” James Elkins, *PICTURES & TEARS* 54 (New York: Routledge, 2001). As for his own viewing, Elkins says, “Pictures . . . put me in a little trance, and make me forget where I am.” *Id.* at 72.

these painted scenes, figures in an Edward Hopper painting, characters in Lowell Komie's stories, cannot flee; they are where they *must* be, lives that cannot be otherwise.

Mark Strand, in his poetic meditations on the paintings of Edward Hopper, has found a language that so closely captures my experience in reading Lowell Komie's lawyer stories, that reading Strand on Edward Hopper feels like Strand must surely be talking about Komie. Strand says, for example, of the human figures in Hopper's *Chair Car* (1965):

[T]he four passengers display a randomness of individual concerns. One reads, another stares at the one who reads, another's head is tilted to the right, another's to the left. In some way, the inwardness of each seems to intersect the main thrust of the painting, freeing them from the imprisoning character of the car.

The painting produces, says Strand, a "sensation of being both locked in and locked out at once" ⁶⁰ In Lowell Komie's lawyer characters, a catalogue of characters painted to reveal the "inwardness of each . . ." ⁶¹

In 1925, Edward Hopper painted *The House by the Railroad*, a painting with "deliberate, disciplined sparseness," ⁶² that would become a hallmark of Hopper's paintings. Mark Strand describes the house portrayed in the painting this way: "The house seems out of place yet self-possessed, even dignified, a survivor—at least for the time being. It stands in the sun but is inaccessible. Its hiddenness is illuminated but not revealed." Strand goes on to note:

Standing apart, a relic of another time, the house is a piece of doomed architecture, a place with a history we cannot know. It has been passed by, and the grandeur of its containment doubles as an image of refusal. We cannot tell if it is inhabited or not. No doorway is visible. Its elaborate facade is still handsome, especially as the sunlight hits it, accenting its architectural details and lending the structure an overall solidity it probably would not actually have The house shines with finality. It is like a coffin. It is beyond us, and so absolute in its posture of denial that attempts—and there have been many—to associate it with loneliness only trivialize it. ⁶³

It would be almost twenty years before Hopper painted his celebrated *Nighthawks* (1942), his most well-known painting, now held by the Art Museum at the Art Institute of Chicago, the same art

⁶⁰ Strand, *supra* note 22, at 40.

⁶¹ *Id.*

⁶² Edward Lucie-Smith, *LIVES OF THE GREAT 20TH-CENTURY ARTISTS* 218 (New York: Thames and Hudson, 1999).

⁶³ Strand, *supra* note 22, at 17-18.

museum that figures with some regularity in Komie's stories.⁶⁴ Here, again, is the poet Mark Strand describing—meditating on—*Nighthawks*, and in a most uncanny way on Lowell Komie's lawyer characters:

In *Nighthawks*, three people are sitting in what must be an all-night diner. The diner is situated on a corner and is harshly lit. Though engaged in a task, an employee, dressed in white, looks up toward one of the customers. The customer, who is sitting next to a distracted woman, looks at the employee. Another customer, whose back is to us, looks in the general direction of the man and the woman. . . . There is nothing menacing about it, nothing that suggests danger is waiting around the corner. The diner's coolly lit interior sheds overlapping densities of light on the adjacent sidewalk, giving it an aesthetic character. It is as if the light were a cleansing agent, for nowhere are there signs of urban filth. . . . We are not drawn into the diner but are led alongside it. Like so many scenes we register in passing, its sudden, immediate clarity absorbs us, momentarily isolating us from everything else, and then releases us to continue on our way. In *Nighthawks*, however, we are not easily released. . . . The diner is an island of light distracting whoever might be walking by—in this case, ourselves—from journey's end. This distraction might be construed as salvation. . . . Looking at *Nighthawks*, we are suspended between contradictory imperatives . . . that urges us forward, and the other, governed by the image of a light place in a dark city, that urges us to stay.⁶⁵

Mark Strand's meditations on *Nighthawks* and *House by the Railroad*, like so much written about Edward Hopper's paintings, provides a near perfect description of Komie's fiction, short stories which in their deep reflections of aloneness remind us of Edward Hopper's paintings. Here, again, is Mark Strand:

Hopper's paintings are short, isolated moments of figuration that suggest the tone of what will follow just as they carry forward the tone of what preceded them Hopper's paintings are not vacancies in a rich ongoingness. They are all that can be gleaned from a vacancy that is shaded not so much by the events of a life lived as by the time before life and the time after. The shadow of dark hangs over them, making

⁶⁴ The art museum at the Chicago Art Institute makes an appearance in more than one Komie story. See e.g., "The Honorable Alicia Beauchamp," 161-173, 167 (Alicia Beauchamp, the judge in Komie's story, expresses her regard for three flower paintings by Emil Nolde, German Expressionist painter, 1867-1956); "I Am Greenwald, My Father's Son," 77-87, at 77; "The Night Swimmer—A Man in London," in Lowell B. Komie, *THE NIGHT SWIMMER—A MAN IN LONDON AND OTHER STORIES* 1-10 (Chicago: Swordfish/ Chicago, 1999).

⁶⁵ *Id.* at 5-7.

whatever narratives we construct around them seem sentimental and beside the point.⁶⁶

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In Hopper's paintings we can stare at the most familiar scenes and feel that they are essentially remote, even unknown. People . . . seem to be elsewhere, lost in a secrecy the paintings cannot disclose and we cannot guess at. It is as if we were spectators at an event we were unable to name. We feel the presence of what is hidden, of what surely exists but is not revealed. . . . Hopper's rooms become sad havens of desire. We want to know more about what goes on in them, but of course we cannot. The silence that accompanies our viewing seems to increase. It is unsettling. We want to move on. And something is urging us to, even as something else compels us to stay. It weighs on us like solitude. Our distance from everything grows.⁶⁷

And as for Komie, I see him now, the writer who paints his stories, and like Edward Hopper,

stands just outside the scene, unnoticed, as if waiting to catch the characters at moments in which they would least wish to be observed. He opens an invisible door and enters the room unannounced. By inviting us to accompany him and surprising his figures in their private realm, alone with their most intimate thoughts and feelings, he catches us out as well.⁶⁸

Lowell Komie has entered an invisible door, and taken us with him into the world of his Chicago lawyers, where we find some of the most poignant portraits of lawyer characters to be found in legal fiction. With Komie's characters—law students, lawyers, judges—we watch as they come up against the law/life and law/art oppositions in their lives, and we watch as they try to imagine another life for themselves, life elsewhere, life away from the practice of law as a business. This phantasy of a life beyond the law is honored by Komie's lawyers and given symbolic depth in his characters regard for art—painting,⁶⁹ literature,⁷⁰

⁶⁶ Mark Strand, *Hopper*, at 23.

⁶⁷ *Id.* at 59.

⁶⁸ Wieland Schmied, *EDWARD HOPPER: PORTRAITS OF AMERICA 68* (Munich-New York: Prestel-Verlag, 1995).

⁶⁹ On the role of art in Komie's fiction, see Esther Cameron, *Art as Interlude and Protest in the Legal Fiction of Lowell Komie*, 31 *Legal Stud. F.* 951 (2007).

⁷⁰ Literature does not figure as prominently as painting does in Komie's stories, but it often makes an appearance. See e.g., "A Woman in Prague," in Lowell B. Komie, *THE NIGHT SWIMMER—A MAN IN LONDON AND OTHER STORIES* 161-168 (Chicago: Swordfish/Chicago, 1999)(In this little "tribute to Kafka," the protagonist is not a lawyer; he men-

music, drama.⁷¹ If Komie's characters dream of escape, they anchor themselves to life by art, even as the stories return us to the world, and to the reality, from which they so long to escape.⁷²

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It's in this business of *seeing*—where we are and where we want to be—what Komie's fictional characters *see* and what we *see* in their lives—that makes Komie's legal fiction so valuable to law-trained readers. With his “immense curiosity” and “anthropologist's eye for ritual,”⁷³ Komie creates lawyer characters who observe some part of the world intimately connected to their lives, and to ours.⁷⁴

tions only that he teaches at a university); “Aliyah,” in *id.*, at 181-199 (a writer seeks “repose” in Israel, and confesses that he has made good money as a writer “giv[ing] the American public what it wants” The writer's dream would have had it otherwise: “Once, he too had dreamed of becoming an artist. Writing the book that would give him the stature of Bellow or Roth or maybe even Harold Brodkey. He would have settled for the reputation of Brodkey.” *Id.* at 188).

⁷¹ Derek Haughton, in Komie's story, “Who Could Stay the Longest?,” is 43, has practiced law in Chicago for 20 years, and he's come to London, to see it one more time before he dies. He has AIDS. The night before he takes his life, he sees *Merchant of Venice* at the Barbican Theater and wrote out Portia's lines about mercy. “Who Could Stay the Longest?,” 151-160, at 151, 155.

In “Skipping Stones,” the lawyer, Martha Levine, in an attempt to get away from her law work, takes a trip to Paris. On her second evening in Paris, “she went to a boring rendition of Molière at the Comédie Francaise. She didn't know if it was a comedy; it was in ancient French and iambic verse. Most of the actors were men in pantaloons with spiked beards and plumed hats, all prancing and waving swords. She fell asleep, and after the theater walked to the bar of the Ritz.” “Skipping Stones,” 61-68, at 65-66.

⁷² My phrase, arguing that Komie's stories return us to the world from which his lawyers long to escape, is borrowed from Michael Blumenthal, “A Career in the Air Is Like None on the Ground”: *Where Shall the Poet Live?* 31 *Legal Stud. F.* 415, 418 (2007) (an essay first published in *Nimrod*).

⁷³ I borrow these descriptive terms from an earlier essay on Komie and his stories. See James R. Elkins, *Lowell B. Komie of Chicago—Writer and Lawyer*, 25 *Legal Stud. F.* 1, 3 (2001). Geoff Dyer, in an untitled commentary makes the point about writers this way: “Things happen and, in the process, stuff gets noticed. That's what I like: books in which the writer notices stuff and does so in a tone that, for one reason or another, I take to.” Geoff Dyer, [untitled commentary], *A Symposium on Plot*, 26 (4) *Three Penny Rev.* 16, 18 (2005).

⁷⁴ Komie's characters help us improve our vision when they give us a perspective on terrain we've not traveled. But there are obstacles to seeing. “It is difficult to break through the wall of usual seeing and begin to discover how many other things there are to see. It requires practice and special information—you have to know what you're looking for—and it also requires energy, since it involves special concentration.” Elkins, *THE OBJECT STARES BACK*, *supra* note 59, at 56.

Lowell Komie told one interviewer, "I'm a watcher and observer." Norbert Blei, the interviewer, asked Komie what made his short stories—Blei describes them as "simple, complicated, and beautiful tales of life, love, and death"—unique. Komie notes that he doesn't find the question so easy to answer:

I think it has a lot to do with how you 'see' people and everyday life. The writer's eye is indeed a camera (*I Am a Camera*—Christopher Isherwood), so it's a question of refining all these images that flash across your screen into something that's manageable and can be understood. The writer's job is to write with clarity.⁷⁵

Isherwood, in his "I Am a Camera" statement, says, "I am a camera with its shutter open, quite passive, recording, not thinking. Recording the man shaving at the window opposite and the woman in the kimono washing her hair. Some day, all this will have to be developed, carefully printed, fixed."⁷⁶ Komie has, in his many years as a writer, been "[r]ecording the man shaving at the window," while painting—in his stories—those indelible pictures of "the woman in the kimono washing her hair."

Komie's lawyers are not cast in great action plots. There are no dramatic courtroom scenes; characters in Komie's stories aren't asked to do much. Yet, in the little things they do, in their small whimsical gestures, they do everything that can be done. Komie's fictional lawyers don't swagger with a grand sense of self; consequently, they don't celebrate their lives as an endless series of triumphs and successes. Yet, Komie's lawyers aren't, in my reading, either losers or malcontents.⁷⁷

What Komie does in his legal fiction, what he does consistently, and with a deft hand, is catch his lawyers *in medias res*;⁷⁸ we never get a full account of a lawyer's life from Komie, and we seldom see where his

⁷⁵ Lowell B. Komie: *An Interview*, 31 *Legal Stud. F.* 983 (2007)(with Norbert Blei)(the interview first appeared in *After Hours: A Journal of Chicago Writing and Art* in 2003). It's not clear whether the reference to Isherwood's *I Am a Camera* belongs to Komie or was added as a parenthetical note by the interviewer, Norbert Blei.

⁷⁶ "Goodbye to Berlin," in Isherwood, *id.* at 1.

⁷⁷ Komie does have one rather amusing, revealing, true malcontent, in Carter Greenwald. See "I Am Greenwald, My Father's Son," 77-87.

⁷⁸ Jack Lynch, professor of English at Rutgers University, who maintains a website I visit on occasion, observes that the term *in medias res*, "comes from the ancient Roman poet Horace, who advised the aspiring epic poet to go straight to the heart of the story instead of beginning at the beginning." Komie has taken Horace's advice, and put it to use beautifully in the finely-crafted short stories collected in *The Legal Fiction of Lowell B. Komie*.

lawyers come from or where they might be going.⁷⁹ What Komie is so adept at doing is this: he catches his lawyer characters in the quiet moments of their lives, and makes stories of these startling still life moments. Komie's fictional portraits stand the reader within the quiet ambit of his lawyers' lives, arresting our movement,⁸⁰ our comings and goings, as we contemplate fictional characters who seem, paradoxically, so distant from us, yet so often reveal our own uneasy adaptation to lives we have not planned for ourselves.

What we find, ground-level, in the Komie stories, is a quiet desire for something that might ameliorate the uneventfulness of everyday life, the reality of demanding clients, persistent concerns about money, and the realization that in reality, the practice of law is a business.⁸¹ Komie

⁷⁹ The fate(s) of Komie's characters, like the figures we find in Edward Hopper's paintings,

gives us a few, tempting hints, suggesting fates which seem to be hidden just beneath the surface. And this suggestion touches us, arouses our interest and concern. But how are we to define what we see? As soon as we begin, we realize how little we know about the reality depicted—as little as we know about people met on the train, in a café, or at a party. Hopper provides only a scant few details, but they are details charged with significance. More than a paucity of clues, it is this abundance of suggested meaning that makes it so difficult to say anything about Hopper's pictures. Their surface proves impenetrable. We cannot see what lies beneath. We begin to wonder whether it is possible to do what the paintings seem to demand—to imagine the stories of the people who appear in the. The deeper we attempt to penetrate into Hopper's world, the more hermetic it becomes. In the end is silence.

Schmied, *supra* note 69, at 40-41.

⁸⁰ Here is an artist, whose work I have not seen, and of whom I know nothing, talking about the desire to have his paintings "arrest the viewer and make them stop and look at something.":

I never know how to answer people who come to me and ask me what the work's about. It's about . . . I don't know. I mean it's about a lot of things. But mainly it's about keeping this kind of expression alive in these times. It's attempting to be dynamic and exciting at times, or quiet and personal at other times. But it's designed to arrest the viewer and make them stop and look at something.

David Amico [interview with Nancy Evans], <http://strikingdistance.com/sd9705/amico/da_1.html>

⁸¹ Komie observes that "[s]ome clients are really neurotic and make impossible demands on lawyers. Also some are greedy and dishonest and there's nothing you can do to satisfy them." "A Commuter's Notes," 255-263, at 261. The clients "that demand the most service seldom pay you promptly, or at all. [One] client used to call me from his boat in Acapulco and tell me my check was in the mail. Unfortunately, he posted it by burro; I still haven't received it." Lowell B. Komie, *Intimate Pages: A Lawyer's Notebook*, 25 Legal Stud. F. 125, 129 (2001).

On the craziness of clients, see Komie's "The Divorce of Petra Godic," at 93-103, and "The Balloon of William Fuerst," at 55-60.

has his lawyer characters resist the *uneventfulness* in their lives and the slow erosion of human spirit.

—*Carter Greenwald* is a partner in the firm of Kelly, Heifetz, Greenwald, Baugh & Vonier, a firm of eighty-seven lawyers with offices on the thirty-fifth, thirty-sixth, and half of the thirty-seventh floors of the old Chicago Midland Exchange Building. Komie begins, "I Am Greenwald, My Father's Son," this way:

He had brought them back from the rental gallery of the Art Institute. The paintings hung on the wall facing his desk, and already he could feel the warmth from the colors, vivid reds and oranges and yellows, soft earth colors, abstract whorls that spun in sensuous patterns. He had grouped the paintings around an oval collage of Bets [his wife] and the children.

He particularly liked one picture, a large water-color and ink sketch of a group of angels carrying a shrouded figure of a woman. It was named *The Assumption of St. Catherine of Alexandria*. The angels were flat-faced Oriental princesses, almost Byzantine, and their robes were elegantly embroidered red silk, filigreed with half moons and asteroids. The figure of St. Catherine was also flat-faced, with high cheekbones, and black vacant pinpoints for eyes. She was enshrouded in gray muslin, and the supporting angels flew with her corpse and held her gently like litter bearers. Below the angels were the rooftops of ancient Alexandria, tiny houses, cubes of ivory done in bright sun colors of the ancient desert. When he looked from his desk across the room at the painting, he often imagined himself standing in the hills overlooking some exotic port city, looking down at the water and at the harbor. He knew though that he would never make it out of Chicago.⁸²

—*William Fuerst*, who has been a lawyer for twenty years, a small life-time, is one of Komie's tired lawyers. "William Fuerst was very tired." Still, leaving court one day, Fuerst sees a man outside the Civil Center Plaza selling helium-filled balloons. "Fuerst bought one and a spray can of helium for his youngest child. As he walked back to his office, on impulse he filled the balloon and then, just at the entrance of his building, he let the balloon drift away. No one paid attention to him. He watched the balloon surge up past the girders of a high-rise under construction."⁸³

—*Frederick Marcus*, a Chicago lawyer for forty years, has his office in a "rather undistinguished older brick building, hidden in a crevice

⁸² "I Am Greenwald, My Father's Son," 77-88, at 77.

⁸³ "The Balloon of William Fuerst," 55-60, at 59-60.

between two slick modern high-rises sheathed in aluminum and steel.”⁸⁴ The story opens with Frederick Marcus flying a kite out of his office window. “Why was he flying a kite? He didn’t really know why he was doing it. The Tibetans flew kites out the windows of their lamaseries to try to communicate with the spirit of God. Why couldn’t a Chicago lawyer do the same thing? He could even tie bells to the tail.” After meeting with some clients, and taking care of their problem without charging them a fee he badly needed, Frederick Marcus goes back to his office, and stays until evening. “That night he . . . flew his dragon kite out the window and into the darkness of the city. . . . The kite disappeared into the darkness and he could feel it straining on his fingers, but he couldn’t see it. He thought of letting it go, cutting it loose. He turned off all the lights in the office and let the kite spool run out, and then he took his scissors and cut the string and sat alone in the darkness until it was time to leave”

—*Carter Greenwald* returns to his office after a luncheon with a bank’s trust officers: “He removed an old telescope from the wall cabinet above his desk and trained the scope on the lake’s harbor until he caught a freighter with rust on its sides, a tricolor flying at its stern, and two men in berets and heavy quilted jackets standing at the rail, smoking in the gray December afternoon. He tried to focus on their faces, but he couldn’t catch them.” He continues to watch the freighter until it is “lost behind the window frame.”⁸⁵

—*Charles Riordan* is sixty-eight and takes pride in the fact that he is a Chicago lawyer who has never bribed a judge. Riordan was once a trial lawyer, but his practice, now much diminished, is confined to probate work. Money, as it is for other Komie lawyers, is a problem. Charles Riordan awakes one morning and notices a plastic bag of items he’s bought the night before: “[S]hopping at Walgreen’s, he had suddenly, inexplicably, changed the after-shave he used. Instead of Old Spice, he bought a tiny travel bottle of English Leather. Then he bought a different antiperspirant (Faberge) and talcum powder (Pinaud). When he emerged from the shower this morning and opened the new plastic bottles, he covered himself with entirely different fragrances. The new fragrances would, he hoped, protect him from the harshness of this day.”⁸⁶

⁸⁴ “The Kite Flyer,” 231-238, at 231.

⁸⁵ “I Am Greenwald, My Father’s Son,” 77-87, at 80.

⁸⁶ “Investiture,” 141-150, at 141.

Who are these lawyers in Komie's stories, if they are not "chapters onto our incomplete self-understanding . . ."?⁸⁷

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We catch Komie's lawyer characters as they come and go, some as they prepare for a life in law, others as they look back on the life they've lived, still others in mid-course. In some of Komie's stories, we see lawyers try to come to grips with the fact that the work they do as lawyers has unalterably shaped their hopes, and their sense of life itself.

One way to think of Komie's fictional characters—by no means the only way—is to see them as people who are trying to get to work, and to figure out what that work means. Having given their lives over to being a lawyer, they must now figure out how to survive. The work in these stories—being a lawyer or a judge, a law student preparing to take up a life in law—is something of a problem. Since Komie's fictional lawyers aren't asked to participate in dramatic courtroom duels of the kind found in legal thrillers,⁸⁸ and they don't find themselves engaged in the intrigues of a bustling law firm, and there's usually no intense family dramas that serve as a backstory, we are left to ask: What do the lawyers in Komie's stories do? Who are these people? How do they bear witness to the lives we live, to lives shaped and bent by our association with the law?

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As I return, again and again, to Komie's stories, I find Michael Blumenthal's comments on Robert Frost's poem, "Birches,"⁸⁹ so perfectly applicable to Komie's lawyer fiction. Blumenthal observes that:

Gratefully, I don't need to wax professorial and "explain" the poem to you . . . because the poem really *needs* no explanation. For it is simple, though never simple-minded, musical through never merely musical, ambiguous though never obscure, devoid of intellection, but full of intelligence. It is—now as it was then—available to us because it

⁸⁷ James Elkins, *OUR BEAUTIFUL, DRY, AND DISTANT TEXTS* 254 (University Park: Pennsylvania State University Press, 1997).

⁸⁸ Courtroom scenes are rare, but they do appear in Komie's stories. See, "The Honorable Alicia Beauchamp," 161-173; "Ash," 175-186, "The Judge's Chambers," 239-246, "The Divorce of Petra Godic," 93-103. See also, Lowell B. Komie, *Intimate Pages: A Lawyer's Notebook*, 25 *Legal Stud. F.* 123 (2001).

⁸⁹ Blumenthal, *supra* note 73.

speaks, in a language both beautiful and comprehensible, of the deepest yearnings of *all* men and women: of the desire, at times, to substitute a gentler, more pastoral, reality for the harsher one of everyday life; of the wish—when we are “weary of considerations” as we so often are—to get away from earth awhile” and live in a world of our own imaginings, far from the realities of ice storms and personal loss. But the poem is, I think, memorable and beautiful above all for its willingness to *return* to the world, and to the reality from which it so longed to escape, for the haunting beauty and humility of these lines:

I'd like to get away from earth awhile
And then come back to it and begin over.
May no fate willfully misunderstand me
And half grant what I wish and snatch me away
Not to return. Earth's the right place for love:
I don't know where it's likely to go better.

Komie's stories, like Frost's poem, “Birches,” really need no explanation. Komie's stories don't require decoding so much as they demand reflection.⁹⁰ One reason Komie's stories don't require explanation is that they are, as Blumenthal says of Frost's “Birches,” “simple, though never simple-minded”; they are “devoid of intellection, but full of intelligence.” Blumenthal speaks most directly to the Komie stories when he observes that the Frost poem “has to do at least in part with the difference between living in the air and on the ground, between a kind of privatized ‘airiness’ and a more publicly connected rootedness”⁹¹

⁹⁰ Some of us aren't much better at reflection than we are decoding; introspective skills are in short supply in legal education, the very place where they should be taught and respected. That I seek here to provide what the stories do not need is, if not a tribute to Komie, a sign of my own need (something akin to a pedagogical impulse). What I seek in and for Komie's stories is something akin to what Helen Vendler describes as being a critic rather than a scholar:

I continually asked myself, as I read through the works of poets, why some texts seemed so much more accomplished and moving than others. . . . [T]o clarify to oneself and then to others, in a reasonable and explicit way, the imaginative novelty of a poem and to give evidence of its technical skill isn't an easy task. . . . [In *Lord Jim*, Joseph Conrad remarks on ‘that mysterious, almost miraculous, power of producing striking effects by means impossible of detection which is the last word of the highest art.’ I wanted, hardly knowing how, to detect the means of that power.”

Helen Vendler, “A Life of Learning,” American Council of Learned Societies, Occasional Paper No. 50 (The Charles Homer Haskins Lecture for 2001).

⁹¹ Deborah Lyons, writing Edward Hopper, observes that: “In Hopper's paintings we find the seemingly ordinary experiences of our individual lives elevated to something epic and timeless, and yet his work appears deceptively simple and straightforward. Hopper shares with the American writers who were his contemporaries a commitment to speak

“Living in the air”—now that has a distinctive and familiar ring to it. Law students—lawyers—judges—sometimes act like they have launched themselves aloft in hot air balloons. “Floating in a hot air balloon feels as if you’re suspended in the wind. The earth appears to be turning below. The horizon rises as you dip to kiss the treetops, then falls away until the landscape spreads to incredible dimensions. A mere whisper of wind on your cheek tells you that the balloon has changed direction, moving with the breezes through the crystal blue sky.”⁹² Lowell Komie’s lawyer stories are, for those who envision a life in law as akin to a hot air balloon ride, a slow deflating descent; they bring the legal balloonist back down to earth.⁹³

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At one time, I had in mind writing Lowell Komie a long letter that might serve as something more personal than the meander of this essay. I kept starting that letter, and notwithstanding my epistolary intentions, I continue to travel the backroads of an essay as odd to itself as one of Lowell Komie’s own characters. If it is not too late, I might still work on that letter . . .

Lowell, my old friend, I trust this letter finds you well, and finds you writing. I know you are writing; you’d not know how to stop after staying with it for so many years now. I must say, that for those of us who know

a plain language—to use an economy of means.” Deborah Lyons, “Introduction,” in Deborah Lyons, Adam D. Weinberg & Julie Grau (eds.), *EDWARD HOPPER AND THE AMERICAN IMAGINATION* xi-xiv, at xi (New York: Whitney Museum of American Art/W.W. Norton & Company, 1995).

I admire the work of James Elkins, not because he shares my name, but because he writes so provocatively, not only about art, but about much else. Consider his statement about writing: “Make it as richly reflective, economical, and clear as you can, and write as well as you can—poetically, with the right word in every sentence. Observe and cut the common clichés. James Elkins, *VISUAL STUDIES: A SKEPTICAL INTRODUCTION* 121 (New York: Routledge, 2003). Lowell Komie has taken the Elkins advice to heart; it’s reflected throughout his fiction.

⁹² This description of the sensations and experience aloft in a hot air balloon is from the website, *Hot Air Balloons USA*. For a detailed account of the virtue and vice of a lawyer’s life lived aloft, see Albert Camus, *THE FALL* (New York: Vintage Books, 1956).

⁹³ Komie may sometimes have his lawyers reflect on their escape, but they go nowhere, and when they do finally “get away,” they must inevitably return home. The phantasy of escape makes the character real; their dreams are our own. Komie’s fictional lawyers practice law in Chicago, and their everyday lives are very much located in the city. Komie doesn’t run away from the fact that he is a Chicago writer, but as he once put it, “I consider myself an American writer.”

you by your writing, we're pleased that you stay with it, that you seem perpetually caught up in an insatiable desire to give us still another story.⁹⁴ We suspect, admittedly without conclusive evidence, that your stories reflect the quiet, thoughtful sensibilities of their author. The clue, perhaps, lies in your story, "Cohen, Zellinski & Halloran," where you say, "How much of this is true and how much is fiction I don't even know. Truth and fiction are so intermingled in my memory that I simply no longer recognize the difference."⁹⁵ You've brought so much of your life-beyond-the-stories to the stories, and further connected your life to the stories by way of your "commuter's notes"⁹⁶ that we feel (without established right) that Lowell Komie, author, and story are one and the same.

You may remember, when I interviewed you some years ago, I hinted at the urge to ask you about the relationship between your stories and your life, and decided it wasn't a question I was willing to ask. I tried to content myself with the curious thought that as a teacher of your fiction, the question about the autobiographical nature of your stories was im-

⁹⁴ Lowell Komie is, I might note, a novelist as well as a long-time author of short stories. Komie's novels include: *THE LAST JEWISH SHORTSTOP IN AMERICA* (Chicago: Swordfish/Chicago, 1997), *CONVERSATIONS WITH A GOLDEN BALLERINA* (Chicago: Swordfish/Chicago, 2001), *THE HUMPBACK OF LODZ* (Chicago: Swordfish/Chicago, 2004)(the protagonist is a Chicago law professor but his work plays an insignificant role in the story). Komie is also the author of a novella, *THE SILHOUETTE MAKER OF COPENHAGEN: A NOVELLA & STORIES* (Chicago: Swordfish/Chicago, 2006).

⁹⁵ Cohen, Zelinski & Halloran," at 129-140, at 139.

⁹⁶ Komie has given the title, "a commuter's notes" to several of his writings. See "A Commuter's Notes" in *THE LEGAL FICTION OF LOWELL B. KOMIE* 255-263 (Chicago: Swordfish/Chicago, 2005)(reprinted in Lowell B. Komie, *The Silhouette Maker of Copenhagen: A Novella & Stories* 109-120 (Chicago: Swordfish/Chicago, 2006)(with, an expanded, second section, pp. 120-131)); *A Commuter's Notes—III*, 31 *Legal Stud. F.* 999 (2007). Komie first adopted the form of the commuter's notes in an innovative essay in 1974, "Shards and Crosses," which appeared in *The Agni Review*. In recent correspondence, Komie referred to his "commuter's notes" as a "fictional diary." Email to James R. Elkins from Lowell Komie, January 15, 2007.

And, we might note, there have been still additional Komie writings that stand at the crossroads of story/essay/notes. See Lowell B. Komie, *Res Ipsa and Fox Hunting*, 25 *Legal Stud. F.* 215 (2001); *Intimate Pages: A Lawyer's Notebook*, 25 *Legal Stud. F.* 123 (2001)(which Komie consented to have included in a collection of his "legal fiction" published by the *Legal Studies Forum* but which he did not include in his later published collection, *The Legal Fiction of Lowell B. Komie*); "The Estate of Machiavelli," in *The Legal Fiction of Lowell B. Komie*, at 247-253. See also, Lowell B. Komie, "The Law Clerk's Lament," in Lowell B. Komie, *THE JUDGE'S CHAMBERS* 66-74 (Chicago: American Bar Association, 1983)(a story?—an essay?—notes?—that Komie did not include in *The Legal Fiction of Lowell B. Komie*).

material.⁹⁷ And yet, as readers, we remain curious. You did say, during the interview, as we danced around my not asking, that “[i]f you want to know more about my life as a single practitioner, I might refer you to the story “Burak.”⁹⁸

“Burak,” as it turns out, is a “commuter” story. The reader, unable to detect where your “commuter notes” end and your “stories” of lawyer commuters begin, finds the commuter motif throughout your work. While I was working on this letter/essay, you sent a 1974 issue of *The Agni Review*, which contained one of your commentaries (should we call it a story?), titled *Shards and Crosses*. The “shards” in *Shards and Crosses* is a strange little delicious note; it goes like this:

⁹⁷ Presumptuous as it may have been, I actually tried to answer the unasked question. My answer, speaking for you, went something like this:

I have put nothing into the stories I do not know first hand. I have tried to make it possible for readers to see the world of law practice as a writer sees it. I've made no effort to set myself as a writer apart from who I am as I go about my work. But be forewarned, these stories are no more the real Lowell Komie than the stories can be dismissed as fiction; fictions have a real bearing on how we live. If I have created a quandary for the reader in making so much of my life into fiction while holding to the reality that my fiction is just that—fiction—then it is simply a problem for the reader to resolve. On this question, what is real and what is fiction, you must read Kafka's parable, “Before the Law.” When you read it, we will talk again.

James R. Elkins, *Lowell B. Komie of Chicago—Writer and Lawyer*, 25 *Legal Stud. F.* 1, 6, n.8 (2001). For the Kafka parable, see Franz Kafka, *THE PENAL COLONY: STORIES AND SHORT PIECES* 148-150 (New York: Schocken Books, 1961)(Willa Muir & Edwin Muir trans.).

We are told that Kafka's “Before the Law” is a parable. In the alchemy of language, “[p]arable serves as a laboratory where great things are condensed in a small space.” Mark Turner, *THE LITERARY MIND* 5 (New York: Oxford University Press, 1996). A parable uses ordinary language to explain the unknown. They rely upon imagery and ordinary experience to engage the reader. A parable moves the reader from the known to the mysterious. “At the heart of the parabolic method lies a recognition of the power of language in our lives, to awaken the imagination, to stir the will, to shape our very understanding of reality and to call us into being and response.” Nicola Slee, *Parables and Women's Experiences*, 80 *Religious Educ.* 232, 235 (1985). In Komie's stories, we see both the comic and “subtle poetry” of everyday life.

Komie speaks of being drawn to Kafka's work. *Lowell B. Komie Interview*, *supra* note 45, at 232-233. It's possible, I think, to see aspects of the parable in Komie's lawyer fables. Thomas C. Oden, writing about Kierkegaard's parables ask, perhaps rhetorically, whether Kierkegaard's parables are “mere entertainment, revealing the comic side of human pretenses” or perhaps, they are “subtle poetry, with virtually inexhaustible levels of meaning?” Thomas C. Oden, “Introduction,” to Thomas C. Oden (ed.), *PARABLES OF KIERKEGAARD* vii-xviii, at ix. (Princeton, New Jersey: Princeton University Press, 1978).

⁹⁸ *Lowell Komie Interview*, *supra* note 45, at 225. See “Burak,” at 157-160.

On the commuter train. Homeward bound. A winter evening. Chicago. The city covered in black mist. Now the conductor comes calling for tickets with false heartiness . . . "Up deck please, gentlemen." The only sound is the clicking of his punch as tiny shards of commutation tickets fall— descending

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on trousers or lodging in
the crevices of attache cases.

A pool of light through the dark of the window. The golden arches of McDonald's with the flag at half mast in the rain. They mourn for Truman and Johnson. Then the light is gone and the city is hidden again. The train picks up speed, accelerating through the west side ghetto and suddenly there is a cr - aaaaa - ck at the window. A bullet? A stone? Heads duck. Papers rustle. The passengers stare. The man seated next to me brushes at the glass slivers he thinks are on his shoulder. He has a tan from Mexico and a wife full of frenzy for Inca artifacts. I say nothing. He brushes at the slivers. The window is mottled by the blow of the object. The conductor continues with his punch and again the shards descend.

As the conductor clicks "Lower seats gentlemen, please." please."

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lost in a cuff or cascading down
a stocking as the leg is crossed.

Each shard of paper * resembles the pattern the stone (or the bullet?) Has made on the win * dow.

Mr. Cozumel tan man looks to me for reassurance. I give him none. Let him find solace from the wrinkled dolls of Yucatan his wife collects, her hands mottled from the winter sun as the window is mottled. Each from some unknown fury. His glasses slip to his nose in a practiced gesture of exasperation. I turn to the crossword.⁹⁹

The story, "Burak," which you referred to during our interview in 2000, appeared some ten years after *The Agni Review* essay was published

⁹⁹ Lowell B. Komie, *Shards and Crosses*, *The Agni Review* 38, at 38-39 (1974)(no. 3).

in 1984.¹⁰⁰ "Burak" begins: "I ride the commuter train daily into Chicago to my office on Michigan Avenue, which is the main boulevard of Chicago."¹⁰¹ In "Burak," we find the narrator/Komie/commuter/ Chicago observer reporting:

Michigan Avenue is lined with beautiful shops and high-rise towers and rimmed by a park and Lake Michigan. From my office window I can see the reflection of the lake and ribbons of traffic on the glass panels of the new building across the street. It's an ivory-panelled tower, a white cylinder built by a Chicago firm and French consortium, it has a beveled roof with wiper blades that clean the glass panels. It looks like a mammoth modern chess piece, a queen with wiper blades or a giant robot with a beveled forehead.

It's now winter in Chicago. People are bundled up in quilted coats and boots and their breaths leave plumes in the air as I watch them from the train window. Chicago is very gray in winter, but this morning I see a man in a red cap in a scrap yard playing with a dog. I also passed some children in red snowsuits holding hands on their way to school.¹⁰²

Commuters are found everywhere in your stories. Consider, for example (just one of them): *William Frederick Gottlieb* is a Federal District Court judge for the Southern District of New York.

Each morning, he arrived in his chambers at precisely 9:40 A.M. He lived in a suburb on Long island and he rode the 7:48 commuter train, a rather leisurely ride, arriving at Grand Central twenty minutes or so later than the express trains and the rush-hour crowds. He liked to read the *Times* on his way into the city and then nap for perhaps fifteen minutes. He always took a cab to the courthouse. The fare was \$1.25 and he gave a quarter tip. At 9:37 A.M. he'd step off the elevator and at 9:40 he'd walk through the glass doors of the private judges' entrance, nod to the uniformed guard and stroll down the long gray-carpeted corridor to his chambers.¹⁰³

¹⁰⁰ "Burak" was published in an earlier version under the title, "Following Burak's Footsteps: The Elusive Quality of Life," by the American Bar Association in Donna Killough (ed.), *Flying Solo: Survival Guide for Solo Lawyers* 13-15 (Chicago: American Bar Association, 1984).

¹⁰¹ "Burak," *id.*, at 157.

¹⁰² *Id.*

¹⁰³ "The Judge's Chambers," 239-246, at 239. Carter Greenwald appears in "Greenwald Et Cie.," not as a lawyer but a Chicago real estate developer.

Each morning Carter Greenwald anticipated a comfortable ride down to Chicago on the commuter train. He liked a slow train, he didn't try for an express, he always headed for the rear double seat on the second deck of the 7:51 where he could spread out and let the morning sun bathe his face through the window. The sunlight usually fell in the same arch across the rear double seat and, while most

Asked by your friend, fellow Chicago writer, Norbert Blei, where you called home,¹⁰⁴ you told Blei it was a “commuter train”:

After all, I’ve ridden the train to Chicago twice daily, five days a week for almost fifty years. That would be over 20,000 rides. I’ve written a novella that I call *A Commuter’s Notes* but I’ve never published it. But all that time on the train really doesn’t seem to me really connected to my vision of Chicago. I suppose that vision would be intimately connected to my law office, but also to my friends and my wanderings. The great cultural institutions, the scenes on the street, the courts, all the corruption I’ve seen as a lawyer, the beggars on the walks, the sounds, the sirens, the trains, the great diversity of races and faces. I often sit at my office window on the fifth floor of a Michigan Avenue office building and just watch the people passing by. I see beautiful, young women, their hair streaming in the sunlight. Beggars soliciting them sprawled on the sidewalk with amputated limbs and paper cups. Beauty and always such great poverty. Sometimes I count the number of people that pass the man

passengers avoided the glare, Greenwald liked to rustle open his fresh paper and shade the light so it fell along his left cheek and warmed the left side of his face. “Greenwald Et Cie.,” in Lowell B. Komie, *THE NIGHT SWIMMER—A MAN IN LONDON AND OTHER STORIES* 59-66, at 59 (Chicago: Swordfish/Chicago, 1999).

Carter Greenwald has a painter’s appreciation for light, an appreciation of Komie’s that is further reflected in “Aliyah,” where Komie has the protagonist trying to figure out why he has come to Israel, claiming to have done so not because he is looking for a new wife, but even so, still, “secretly” keeps his eye on the women, watching “the color of their hair in sunlight, the way sunlight hits and reveals the colored strands of long hair.” “Aliyah,” in *id.*, 181-199, at 184.

Mark Strand, commenting on Edward Hopper’s use of light, in his painting, *Pennsylvania Coal Town* (1950), finds the light in that painting, “to have an otherworldly power,” a power that “seems to bear some message whose meaning, if it is revealed at all, is intended only for those upon whom it falls.” Strand, *supra* note 22, at 33. Wieland Schmied observes that in Hopper’s paintings, “the distinction between light and illuminated things is never overcome. The light impinges harshly on objects, highlighting portions of them and plunging others into deep shadow. Instead of merging with things, it remains external to them. The light is reflected, and it often seems to glide off the objects in his paintings as if it could find no hold on them.” Schmied, *supra* note 68, at 36.

¹⁰⁴ Komie’s law office and the offices of his fictional lawyers are located in one of this country’s most “American” of cities. (In 2004, Komie gave up his Michigan Avenue office in Chicago. He now meets with clients in a Deerfield office.) Komie has made himself, in his legal fiction, a Chicago writer, something in the way that Louis Auchincloss, another lawyer novelist, is known as a New York City writer. Komie doesn’t shy away from having his fictional characters inhabit the city where he worked as a lawyer.

Reading Komie’s stories, we are reminded that the cities, towns, and villages where we live matter. They settle into and become the ground floor of our thinking. The places where we live and work shape our morning thoughts, our evening reveries. And what better place for these wistful reveries, for the irreducible ordinariness of our lives, than the commute that gets us to work and the tiresome trek back home at night.

with the cup . . . before someone drops a coin . . . usually another poor person, mostly poor blacks dropping the coins. I've put some of this in my fiction, the juxtaposition of great wealth and power against extreme poverty and hopelessness. I'm a watcher and observer.¹⁰⁵

And so, Lowell, my friend, a footnote on commuting: In one of the earliest references to commuters, the *Oxford English Dictionary* finds an *Atlantic Monthly* essay written in 1865, that refers to commuter roads used "chiefly for the accommodation of city business-men with suburban residences." And now, some 140 years later, we still commute to work, and to get away from it. Commuters take to trains and buses because we no longer live where we work. Commuters have the literal equivalent of a two worlds problem. (There may be some few who find their commute tolerable; I know of none who report finding it a blessing.¹⁰⁶) The commute carries us through a liminal space that separates our lives—home and office.

Commuters might, with the help of poets, ponder their plight. Consider W.H. Auden's poem, "September 1, 1939," where we find these lines:¹⁰⁷

From the conservative dark
Into the ethical life
The dense commuters come.

¹⁰⁵ Norbert Blei, *Lowell Komie: An Interview*, *supra* note 75, at 986. In "A Commuter's Notes," where the commuter is given the name Alfred Witkofsky—he is fifty-five, a lawyer, a solo practitioner, with offices on the twentieth floor of a building on LaSalle Street, and a small corporate, probate, and real estate practice—Witkofsky says: "If I ride two trains a day, five days a week (ten), for fifty weeks a year (500), and have been for thirty years, apparently I've ridden the train 15,000 times." "A Commuter's Notes," 255-263, at 256. Later, Witkofsky muses further about his commuting math:

If I ride two trains a day, five days a week (ten), for fifty weeks a year (500), and practice law for fifty years before I retire, I will have ridden the train 25,000 times.

If I spend an hour on each ride, I will have expended 25,000 hours commuting, or over 1,000 days. That would be three years of my life sitting on the train."

Id. at 257. Witkofsky admits that he's not so much writing notes about commuting as he is writing about himself and the "sudden lurches" in his life.

¹⁰⁶ A commuter reads the newspaper, takes notes, reads a report, mulls over his opening argument; one commuter sleeps, another watches his fellow commuters. For most, there's not much to be said for watching the scenery. By most accounts, a commute is suffered rather than enjoyed.

A commuter occupies himself as best he can; to work or not to work is the question. (It's those who commute by car and work the cell phone that frighten me.) Is the commute free time or wasted time? Or just more work time? Commuters who take trains and buses often work during their commute; only workaholics work in going to the office and getting from the office back home.

¹⁰⁷ W.H. Auden, *ANOTHER TIME: POEMS* 114 (New York, Random House, 1940).

Since we are doing our own commute here, not for the moment rushing to get to the office, we can take a closer look at the Auden poem that provides the vessel for these odd observations. For ramblers, browsers, and commuters, here's the Auden poem:

September 1, 1939

I sit in one of the dives
On Fifty-second Street
Uncertain and afraid
As the clever hopes expire
Of a low dishonest decade:
Waves of anger and fear
Circulate over the bright
And darkened lands of the earth,
Obsessing our private lives;
The unmentionable odour of death
Offends the September night.

Accurate scholarship can
Unearth the whole offence
From Luther until now
That has driven a culture mad,
Find what occurred at Linz,
What huge imago made
A psychopathic god:
I and the public know
What all schoolchildren learn,
Those to whom evil is done
Do evil in return.

Exiled Thucydides knew
All that a speech can say
About Democracy,

And what dictators do,
The elderly rubbish they talk
To an apathetic grave;
Analysed all in his book,
The enlightenment driven away,
The habit-forming pain,
Mismanagement and grief:
We must suffer them all again.

Into this neutral air
Where blind skyscrapers use
Their full height to proclaim

The strength of Collective Man,
Each language pours its vain
Competitive excuse:
But who can live for long
In a euphoric dream;
Out of the mirror they stare,
Imperialism's face
And the international wrong.

Faces along the bar
Cling to their average day:
The lights must never go out,
The music must always play,
All the conventions conspire
To make this fort assume
The furniture of home;
Lest we should see where we are,
Lost in a haunted wood,
Children afraid of the night
Who have never been happy or good.
The windiest militant trash
Important Persons shout
Is not so crude as our wish:
What mad Nijinsky wrote
About Diaghilev
Is true of the normal heart;
For the error bred in the bone
Of each woman and each man
Craves what it cannot have,

Not universal love
But to be loved alone.

From the conservative dark
Into the ethical life
The dense commuters come,
Repeating their morning vow;
"I will be true to the wife,
I'll concentrate more on my work,"
And helpless governors wake
To resume their compulsory game:
Who can release them now,
Who can reach the deaf,
Who can speak for the dumb?

All I have is a voice
To undo the folded lie,
The romantic lie in the brain
Of the sensual man-in-the-street
And the lie of Authority
Whose buildings grope the sky:
There is no such thing as the State
And no one exists alone;
Hunger allows no choice
To the citizen or the police;
We must love one another or die.

Defenceless under the night
Our world in stupor lies;
Yet, dotted everywhere,
Ironic points of light
Flash out wherever the Just
Exchange their messages:
May I, composed like them
Of Eros and of dust,
Beleaguered by the same
Negation and despair,
Show an affirming flame.

As we might expect there's a good deal more in Auden's "September 1, 1939" than a missive on the banality of commuting. And it's this wonderful surplus of meaning, so common to poetry, and to literature, that brings me around—finally—to say that these tangential "notes" on commuters turns out to be more directly related to your exquisite little bittersweet stories about lawyers, law students, and judges than we might have first suspected. The lawyers we find in your fiction are, figurative and fugitive commuters, one and all.¹⁰⁸

Your observations as a commuter are central to the shape and feel of his stories. What you do—with exquisite skill—is show us the ephemeral moments of the ordinary life of your characters: getting to and from the office, dealing with what they find at the office, confronting themselves as they must with the stark reality of their naked aloneness. So, my friend, I think you've found the magic—the story magic—by which the ordinary and the everyday can be painted in the emotional hues of lives lived in the

¹⁰⁸ Lowell Komie is, like the characters in his stories, a commuter. Komie's commuting, like his lawyering, is so thoroughly entwined with his writing that we'd be foolish to try to tease them apart. Komie makes an effort to keep separate ledgers through a series of observations he calls (sometimes), "a commuter's notes," and still a different set of writings that he identifies as neither story or commuter's notes.

interstices of drama, in liminal space left subtle and grey without the demarcation of success and failure.¹⁰⁹ Would your object, Lowell, if I called you a literary anthropologist, an explorer of the liminal spaces we inhabit as commuters in the modern world.

q q q

To my students, commuters one and all: I once claimed, rather brashly, that teaching at night was neither pedagogical drudgery nor the Dean's punishment for my many and continued crimes against the beloved traditions of legal education. I realize now, reading about Komie's tired lawyers, that my enthusiasm for evening classes is related to the fact that my students are tired; they come to class with the day zapped out of them. So . . . some of them nap. For those who remain awake, attentions roam and wander. I see on the face of one student, a gauzy, far-away look; I suspect she dreams of being elsewhere. When I walk into a classroom at night and face these tired students, I sometimes confess to myself that neither the students or I know quite where we're at or where we might be going.¹¹⁰

The class meets one evening each week, a triple espresso to end the law student's day! If you're going liminal, let it feel like a 2 x 4, whacked backside of the ego, a stumble in that developing sense: "I am a lawyer."

The class meets for almost three hours. My preference would be to do it three hours non-stop! But convention prevails, we take a break. It's at the break that a student or two slip away into the dark of night. Sharon leaves, I suspect, because she simply can't bear it any longer. I want to believe she has a life beyond the law that takes her away from us, not her revulsion to reading Komie's stories. Peter, another student, who has left us on more than one occasion, must be dashing away to have a drink with friends, to steal some time in his youthful life before he gives it over to the Law. Those of us who remain—the dutiful—those who'd as soon be confined in a classroom as an empty apartment—we launch ourselves still further into the demands of the evening's discussion or retreat into quarrelsome silence. Sharon must be home by now, doing her laundry, sneaking into her son's bedroom to kiss him goodnight, a kiss of a sleeping

¹⁰⁹ Mark Strand suggests that our "in-between moments" are far "more common and characteristic of our lives than we care to acknowledge." Strand, *supra* note 22, at 48.

¹¹⁰ Teaching Lowell Komie's stories in evening classes, there's the irony of teaching "tired lawyer" stories to students, who are themselves tired from another day, some of them tired of law school itself. And then, we prepare ourselves to become the very "tired" lawyers we read about.

son that he will without knowing it, take with him for the remainder of his life.

Yes, it's true, I confess: I love teaching, and yes, it's quite true that it doesn't always go well. It should be magic this business of teaching Komie's stories; it sometimes isn't. We might blame the silence and the confusion on the fact that we are tired, exhausted, worn to a frazzle. *Still . . . I resist.*

At night, my students and I have gotten the rush of the day behind us. Mostly, we've slowed down, the body undertaking an honest accounting of the day's toil. My students are, if anything, honest; they can't hide the fact that it's been a long day. That it's a literature class doesn't make the day any shorter. They are, even as class begins, sometimes barely able to hang on. I can almost hear Rebecca, one of the students, mummer to herself, "just don't fall asleep. I can endure another few hours." It's a burden, even if self-imposed, to sit and listen to a teacher talk; I want to think the burden's lighter when the evening is devoted to lawyer stories. *Does it really matter whether Komie's characters are wistful as Elkins, in a fevered moment, suggests? Or is just that Komie's characters are really a collection of depressed misfits as Rebecca, groggy in her weariness, has suggested? Elkins says it makes all the difference in the world. At this hour of the day, I'm not so sure!* And yes, sometimes Elkins can move things along, enliven the evening with something that stirs us up with a sudden wind that ruffles the leaves. Those who slipped off into the night will miss the sudden stirring of surprise, a moment of wakefulness that brings us up from weariness and suspends the tired meander of thoughts. *How are we to get beyond the stale residues that cling to us from the comings and goings of the day?* Surprisingly, something in a Komie story catches our attention. Who knows what story will surprise us into attentive wakefulness. Sharon will get the news from Sara, her friend. Those still present, body and soul, scribble notes, as someone begins to talk about a Komie story in a way that doesn't sound canned and trite. Unfortunately, a few students have let their weariness overtake them; so far as they know, nothing has happened.¹¹¹ *Francis, when, if ever, will you find it*

¹¹¹ I wish I could report that Lowell Komie's stories are as magical for students as they are for me. I'm afraid my students are too reticent, too careful, too engaged in day-to-day law school affairs to see the teeming magic in these stories. What I want to say to my students, something akin to what Komie might want to tell his readers is this: "I've delivered the best goods I can, now, you must put these stories to use." But how, the student wants to know, is a story—a story—to be put to use?

If I can't, with my pragmatic, real-world-focused students, find a way to help them see the usefulness of Komie's stories, of lawyer stories, then I'm resigned to saying, like the annoying waiter at the tapas restaurant who announces, when the food is served,

possible to speak? One night, inconceivable as it was to all of us, an argument broke out. You can be sure the professor won (he sometimes takes them by knock-out, if not, by TKO), but he always wins. Yet, have you noticed, some evenings he too looks tired and fail. Sometimes, he appears wounded by something one of us says. (What difference does it make, whether he's tired or wounded? Rebecca, for one, simply doesn't care.) Sara, telling Sharon about the class that, in her telling of it, was the best of the semester, says, "we got started on that thing about Komie's characters and whether they are depressed, and how 'tired' Komie's lawyers are, I noticed that Elkins looked at times, when we have nothing to say as if he might want to flee into the night."

I've often wondered, if there isn't something in the cold-blasted tiredness of these evening classes, our muddled conversations floating in the stale air of overheated windowless classrooms, incubators of conventional thought, the only sound the professor's perfected drone, that doesn't attune us all to the white noise that drowns out the ineffable. Tired, weary, worn-out, unable to fight off our longings, our yearning to be elsewhere—*anywhere else*—can this be the place where real learning begins?¹¹²

q q q

And now, counselors, it's time to present closing arguments—

James R. Elkins: I've been reading and teaching Lowell's Komie's fiction for something like fifteen years now. I read, and return to these stories, and to Komie's characters, because they reveal what we tend to

"enjoy." Of course, I can hand the Komie stories over to students and say, "these stories are literature; literature is good for you; you need literature." But there's something about this grand claim for literature—the claim that it will make the student's life flourish—that sounds more like a hollow profession of faith than a strategy for reading. Even if right, it sounds suspicious.

Richard Posner, the ever prolific Federal judge, has suggested that we don't learn how to live by reading literature. One might, of course, argue, as James Boyd White does so brilliantly, that Richard Posner's way of dealing with literature—that is, his way of reading—is so peculiar that he can be neither a source of inspiration or enlightened practice in our reading of lawyer stories. *See generally*, James Boyd White, *What Can a Lawyer Learn From Literature?* (Book Review), 102 Harv. L. Rev. 2014 (1989) (a sustained critique of Richard's Posner's approach to "law and literature").

¹¹² I want to think that Komie's fictional lawyer characters may impress themselves upon us—readers, lawyers, commuters—in that same subtle, mysterious way that the night student manages, without quite knowing how, to find that she has, tired to the bone, become a lawyer.

forget in a law school—that we’re never quite as well put together as we want to think we are. My professional colleagues don’t like the thought of such heresy, and students don’t see it as occasion for dancing in the streets. There is, in the corner of the room in these Komie stories, a hint of darkness, a glimmer that life as a lawyer may be no royal road to paradise. Darkness there may be, but there is humor as well. In “The Law Clerk’s Lament,” Komie has the law clerk, who wears blue Converse All Stars to the office and then changes to loafers on arrival, describe Vance Werner, the firm’s probate lawyer, this way: “Every morning he walks in the door carrying his heavy black satchel. He drops the satchel on the floor and before he takes his coat or hat off the receptionist hands him obituary notices neatly clipped from the morning paper. He smiles at her. She smiles at him. I think they both groove on death.”¹¹³ For some, the stories may be depressing; I’ve never found them so. Komie’s characters have simply worked their way toward the brittle margins of their lives, where they begin to see how the ordinary oddness of a life can be lived.

I read Komie’s stories as the work of a half-century’s labor, the labors of a master; so, I let the master do the heavy lifting, while I revel in his craft. The master in action always seems to make it look deceptively easy.¹¹⁴ Komie works the deception to perfection. He simply, elegantly, and poignantly portrays characters we *almost* know, strange as they can sometimes be. This world—of lawyers and their whimsical gestures, longing to be elsewhere, a world in which we are forever bumping into art, a world in which we see how it is possible to live the freedom we can barely experience—this world we know must exist somewhere. Is it the world we too inhabit? In Komie’s flawless, economical, finely constructed stories, his fictional characters, his Chicago lawyers, expose us, as we move from story to story, portrait to portrait, to lives we must be living, often lives we did not set out to live. With his lawyers and their lives leavened by whimsical oddness, Komie has created a scrapbook, a living museum of fictional lawyers that are as endearing and enduring as art itself.

¹¹³ “The Law Clerk’s Lament,” in Lowell B. Komie, *THE JUDGE’S CHAMBERS* 66-74, at 67 (Chicago: American Bar Association, 1983) (“The Law Clerk’s Lament” does not appear in Komie’s *The Legal Fiction of Lowell B. Komie.*)

¹¹⁴ I read a Komie lawyer story and I want to believe, *I could—in some next life—write a story like that.* One hopes it’s a healthy delusion, a compliment to Komie and the half-century he’s been writing these stories.

Lowell B. Komie: "I do enjoy being a lawyer, even if being a solo practitioner means that you spend a great deal of time worrying about money and the letters of your name fluttering out into infinity. So what? If I were in a big firm, I'd have a Mercedes and still worry. If a senior partner wanted me to fly off to Toledo on Saturday morning to review a memorandum on executive compensation at International Ball Bearings, Inc., I'd have to smile and say, 'Yes sir, I'll go.' Fortunately, since I work for myself, I don't have to do that, and that's the best thing about being a lawyer—freedom. You don't have to take a case. You are relatively free. When I graduated from Northwestern, I thought I might lend my considerable talents to the World Court or the United Nations or the State Department. I would have liked to have worn a top hat and striped trousers and argued the Nicaraguan mining case before the World Court. I would have liked to have had my morning coffee on a hotel terrace in Geneva. But gradually, I dropped those ideas and became a lawyer in Chicago with an office on the sixth floor in a glass high-rise building. I can see the reflection of Lake Michigan on the window of the building across the street. I can see people on the street, trees, traffic streaming, colors, sunlight. I can go to concerts over the noon hour or walk in the park or to the Art Institute and look at some of the greatest paintings in the world. I don't have to worry about spending my career jockeying for a corner office with a view. I already have it, and a coffee pot, and a stereo. In the afternoons, as the work winds down, I often listen to classical music. I have several plants. I like to water them and listen to Mozart. One of these days I'll take my Supreme Court admission out of the tube and put it in a frame."¹¹⁵

Elkins: Lowell, I teach your stories; I can only wonder at the pain and the pleasure you have accrued in writing them. I've taught your stories from the day I first discovered them. I teach your stories because I've never been successful in simply walking away from them. Your stories haunt a man; read them, as I do, and they follow me around like a pack of hungry hounds. Yet, I don't mean to imply that your stories are burdensome.¹¹⁶

¹¹⁵ Lowell B. Komie, *Intimate Pages: A Lawyer's Notebook*, 25 *Legal Stud. F.* 123,130-131 (2001).

¹¹⁶ I'm reminded here, for some reason, of the title of Milan Kundera's novel, *The Unbearable Lightness of Being*.

There is a line in Kevin Oderman's *How Things Fit Together*, that seems to capture this haunting quality of your characters: "And yet something persists in darkness and in yearning, where desire hums as an absence."¹¹⁷ There is, in your stories, this longing, this yearning, that suggests your characters have been sentenced to live in the shadows of their own lives. And yet, they do not seem at all dead to the world, or to that desire which "hums" so loudly "as an absence." Your lawyers may seem to waver as they walk, first in light, then in that liminal space between light and darkness, but in what is left unsaid, the yearning, the "desire" that "hums as an absence," that makes your characters so poignant, so difficult to forget.¹¹⁸ Unable to leave the stories behind, I've deputized myself to carry these stories with me, to be in the world with them, and to teach them.

I teach stories—your stories—that I no longer wish to carry alone. Students will need a good many stories on their long night-sea journey. By my estimate, they need your stories.

Lowell, your stories allow us—your readers—to get up close to lawyers whose work (and whose lives) have driven them back into themselves. Your fictional lawyers are often presented to us in a moment of recognition, that moment when the feel of the work they do has so settled into their lives, percolated so deeply, that it has begun to touch the rare nerve of the soul.¹¹⁹

Some of your fictional lawyers come close to being used up by the relentless pressure of work and clients and money problems. You've portrayed, like a connoisseur, the nuances of the whimsical gesture, and an effervescence linked to art—to paintings, drama, and literature. Your fictional lawyers may, in their comings and goings—in their commuting—live from one lurch to the next, yet their lives are never quite fully consumed by the mundane qualities of the world in which they live. But you make it clear, like the coyote's night cry on my Kentucky farm: *The law, the practice of law, can devour you; it can, and because it can, it will surely take a pound of flesh.* The legal profession has a tendency to eat its

¹¹⁷ Kevin Oderman, *HOW THINGS FIT TOGETHER* 47 (Hanover, New Hampshire: University Press of New England, 2000).

¹¹⁸ The observations in this paragraph first appeared in *Lowell Komie Interview*, *supra* note 45, at 242.

¹¹⁹ One commentator observes that Edward Hopper, in his paintings, depicts people who "belong to the working world, bound by commitments and obligations, carrying out an occupation that has worn them to its mold." Schmied, *supra* note 69, at 54.

young; to escape the devouring beast, we must keep on the move, try as we may, to save our own souls. To stay on the move, as we must, leaves us tired, exhausted, worn-out. Lowell, your stories remind us of what is left when the beast has had its feast—gristle and bone.

Komie: "In order to celebrate summer, instead of going right to work, I detoured a block and walked over to the Bank One Plaza to visit the Chagall Mosaic. I hadn't been there all winter because the stairs were icy and the colors are hidden in the gray weather. But today all the colors of Chagall were vivid in the sunlight. I looked for the golden ballerina, and at first I couldn't find her. I didn't have quite the right angle. Then, suddenly, I moved a few paces and there she was, flashing at me in her golden bodice. I also walked around the monument to find the bluebird, and I found her, full-breasted blue and yellow, hidden in the branches of a tree. And beside her, a falling angel coming down from heaven, diving toward the silhouette of the city and Lake Michigan. Further on, around the corner, I found the beautiful red cardinal, above two lovers embracing. I visited the musicians, the fiddlers, clarinet players, and the dancers. You have to remind yourself of joy and how to be ecstatic and alive. I was alone, all alone with Chagall's artistry, standing in the canyon of glass skyscrapers. No one else was there. I was the only one in Chicago there. Only one person passed, a young woman on her way to work, dressed in a raincoat, talking on her cell phone, her heels clicking, a black bag over her shoulder. She didn't even glance at the Chagall."¹²⁰

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"Ah, Malte, we pass away like that, and it seems to me people are all distracted and preoccupied and pay no real attention when we pass away. As if a shooting star fell and no one saw it and no one had made a wish. Never forget to wish something for yourself, Malte. One should never give up wishing. I believe there is no fulfillment, but there are wishes that last a long time, all one's life, so that anyhow one could not wait for their fulfillment."

—Rainer Maria Rilke, *Notebook of Malte Laurids Brigge*¹²¹

¹²⁰ "A Commuter's Notes," 255-263, at 263. *Komie* gives the "golden ballerina" her full due in his second novel. See Lowell B. *Komie*, *CONVERSATIONS WITH A GOLDEN BALLERINA* (Chicago: Swordfish/Chicago, 2001).

¹²¹ Quoted in the "preface" to Michael Blumenthal, *DAYS WE WOULD RATHER KNOW* (New York: The Viking Press, 1984).

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